



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 686

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PART 1 OF 2

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government
printing

Department:
Government Printing Works
REPUBLIC OF SOUTH AFRICA

HIGH ALERT: SCAM WARNING!!!

TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

PROCUREMENT@GPW-GOV.ORG

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

GPW has an official email with the domain as @gpw.gov.za

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

GPW will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

Government Printing Works gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.

Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at www.gpwonline.co.za
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.
Email: Annamarie.DuToit@gpw.gov.za

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.
Email: Bonakele.Mbhele@gpw.gov.za

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.
Email: Daniel.Legoabe@gpw.gov.za

Closing times for ORDINARY WEEKLY GOVERNMENT GAZETTE 2022

The closing time is 15:00 sharp on the following days:

- 31 December 2021, Friday for the issue of Friday 07 January 2022
- 07 January, Friday for the issue of Friday 14 January 2022
- 14 January, Friday for the issue of Friday 21 January 2022
- 21 January, Friday for the issue of Friday 28 January 2022
- 28 January, Friday for the issue of Friday 04 February 2022
- 04 February, Friday for the issue of Friday 11 February 2022
- 11 February, Friday for the issue of Friday 18 February 2022
- 18 February, Friday for the issue of Friday 25 February 2022
- 25 February, Friday for the issue of Friday 04 March 2022
- 04 March, Friday for the issue of Friday 11 March 2022
- 11 March, Friday for the issue of Friday 18 March 2022
- 17 March, Thursday for the issue of Friday 25 March 2022
- 25 March, Thursday, for the issue of Thursday 01 April 2022
- 01 April, Wednesday, for the issue of Friday 08 April 2022
- 07 April, Friday for the issue of Thursday 14 April 2022
- 12 April, Friday for the issue of Friday 22 April 2022
- 21 April, Thursday for the issue of Friday 29 April 2022
- 28 April, Friday for the issue of Friday 06 May 2022
- 06 May, Friday for the issue of Friday 13 May 2022
- 13 May, Friday for the issue of Friday 20 May 2022
- 20 May, Friday for the issue of Friday 27 May 2022
- 27 May, Friday for the issue of Friday 03 June 2022
- 03 June, Friday for the issue of Friday 10 June 2022
- 09 June, Thursday for the issue of Friday 17 June 2022
- 17 June, Friday for the issue of Friday 24 June 2022
- 24 June, Friday for the issue of Friday 01 July 2022
- 01 July, Friday for the issue of Friday 08 July 2022
- 08 July, Friday for the issue of Friday 15 July 2022
- 15 July, Friday for the issue of Friday 22 July 2022
- 22 July, Friday for the issue of Friday 29 July 2022
- 29 July, Friday for the issue of Friday 05 August 2022
- 04 August, Thursday for the issue of Friday 12 August 2022
- 12 August, Friday for the issue of Friday 19 August 2022
- 19 August, Friday for the issue of Friday 26 August 2022
- 26 August, Friday for the issue of Friday 02 September 2022
- 02 September, Friday for the issue of Friday 09 September 2022
- 09 September, Friday for the issue of Friday 16 September 2022
- 16 September, Thursday for the issue of Friday 23 September 2022
- 23 September, Thursday for the issue of Friday 30 September 2022
- 30 September, Friday for the issue of Friday 07 October 2022
- 07 October, Friday for the issue of Friday 14 October 2022
- 14 October, Friday for the issue of Friday 21 October 2022
- 21 October, Friday for the issue of Friday 28 October 2022
- 28 October, Friday for the issue of Friday 04 November 2022
- 04 November, Friday for the issue of Friday 11 November 2022
- 11 November, Friday for the issue of Friday 18 November 2022
- 18 November, Friday for the issue of Friday 25 November 2022
- 25 November, Friday for the issue of Friday 02 December 2022
- 02 December, Friday for the issue of Friday 09 December 2022
- 09 December, Thursday for the issue of Thursday 16 December 2022
- 16 December, Thursday for the issue of Friday 23 December 2022
- 22 December, Thursday for the issue of Friday 30 December 2022

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2018

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

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GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwnonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days after submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

QUOTATIONS

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwnonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

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Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2340

5 August 2022

AMENDMENT GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11A (4) of the restitution of land rights act, 1994 (act no. 22 of 1994), as amended, that amendments are hereby made on notice 950 of 2006, contained in government gazette number 29004, published on the 14th of July 2006, to rectify the extent of the property claimed on the land claim lodged by Ms. Agnes Green, on the 25 November 1998, on behalf of Nellie Bradford family, in respect of portion 1 of Erf No 728 mentioned in the table below, located in the Makhado local municipality, Vhembe district, Limpopo.

PROPERTY	LANDOWNERS	TITLE DEED NUMBERS	EXTENT IN HECTARES	ENDORSEMENTS	HOLDERS	LOCAL MUNICIPALITY	CLAIMANTS
PORTION 1 OF ERF 728	MUDAU MBULAHENI PATRICK	T71427/1998	1428 SQM	B61787/1998 LOUISTRIC, 728, 1	STANDARD BANK SOUTH AFRICA LTD	MAKHADO	AGNES GREEN ON BEHALF OF NELLIE BRADFORD FAMILY

The Office of the Regional Land Claims Commissioner, Limpopo investigated this land claim and any party that has an interest on the above-mentioned properties is hereby invited to submit in writing, within **30 days** of publication of this notice, comments or information or objection to the said notice under reference numbers **KRP 7834 & 8930** to:

Office of the Regional Land Claims Commissioner: Limpopo
Private Bag X9552
POLOKWANE
0700

13th floor Thabakgolo Nedbank building
50 to 58 Landros Mare Street
POLOKWANE
0700

LEBJANE MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2022/07/06

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NO. 2341

5 August 2022

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED

Notice is hereby given in terms of section 11(1)(c) of the Restitution of Land Rights Act, Act No. 22 of 1994 as amended, that Masha Magabatho lodged a land claim on the farm Steelpoortdrift 365 KT situated within the Greater Tubatse Local Municipality, Sekhukhune District, Limpopo.

The land claim was lodged before the cut-off date of 31st of December 1998. The details of the property are as follows:

No.	Reference KRP No.	Name of Claimant	Farm Name	Owner	Extent/Hectares	Title deed
1.	4576	Masha Magabatho	Steelpoortdrift 365 KT	National Government of the Republic of South Africa	Remaining Extent=2440.7845 Portion 7=15.7907	T13467/2013PTA T100614/2016PTA

Take further notice that the Office of the Regional Land Claims Commissioner: Limpopo is investigating this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within 14 (fourteen) days of publication of this notice, any comment, and/or objection to this land claim to the Regional Land Claims Commissioner at the addresses set out below.

Take further notice that a meeting of all interested parties will be convened upon publication of this notice, for the purpose of information sharing and outlining of the Restitution process.

The office of the Regional Land Claims

Commissioner: Limpopo
Private Bag x9552
POLOKWANE
0700

Submission may also be delivered to:

3rd Floor, 50-58 Thabakgolo
Nedbank Building
Landros Mare Street
POLOKWANE
0700


L H MAPHUTHA
REGIONAL LAND CLAIMS COMMISSIONER
DATE: 2022/07/06

DEPARTMENT OF HEALTH

NO. 2342

5 August 2022

MEDICINES AND RELATED SUBSTANCES ACT, (ACT NO. 101 OF 1965)
(ANNUAL SINGLE EXIT PRICE ADJUSTMENT (SEPA) OF MEDICINES AND SCHEDULED
SUBSTANCES FOR THE YEAR 2023)

In terms of Regulation 8 (1) of the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances of the Medicines and Related Substances Act, 1965 (No. 101 of 1965) as amended, the Minister of Health is required to determine on an annual basis, the extent to which medicine prices may be adjusted. In making this determination the Minister considers the following provisions of

Regulation 8 (1)-

- (a) the average CPI for the preceding year;
- (b) the average PPI for the preceding year;
- (c) changes in the rates of foreign exchange and purchasing power parity;
- (d) international pricing information relating to medicines and scheduled substances;
- (e) comments received from interested persons in terms of regulation 8(2); and
- (f) the need to ensure the availability, affordability and quality of medicines and scheduled substances in the Republic.

Based on the comments received from previous annual reviews on the adjustment methodology, stakeholders have recommended a CPI weighting and a foreign exchange weighting in the review of the annual SEP adjustment expressed as follows:

- (a) 70% (South African CPI) + 30% (foreign exchange rate) = % adjustment Or
- (b) 50% (South African CPI) + 50% (foreign exchange rate) = % adjustment Or
- (c) 100% Foreign exchange rate = % adjustment Or
- (d) 100% South African CPI = % adjustment.

The Pricing Committee in its recommendation for the next annual adjustment cycle may consider the weighting(s) *in addition* to the provisions of Regulation 8(1) as listed above.

The official data to be used with respect to the Consumer Price Index (CPI) for South Africa and the foreign exchange rates would be obtained from official publications by the Statistics South Africa at www.statssa.gov.za and the South African Reserve Bank at www.resbank.co.za respectively.

Interested persons are invited to submit any substantiated comments in writing, both on a compact disc and a hard copy within three months from the date of publication of this Notice to:

The Director-General: Health

For Attention: Ms Ntobeko M. Mpanza e-mail: Ntobeko.Mpanza@health.gov.za

Director (Pharmaceutical Economic Evaluations Directorate)

Private Bag X399

PRETORIA

0001

Dr AB Xuma Building, Room C6-18A

1112 Voortrekker Rd, Pretoria Townlands 351-JR, Pretoria, 0187

Tel: (012) 395 8000 Fax: (012) 395 9165

PRETORIA

For any further enquiries please contact Ms NM Mpanza at the Directorate: Pharmaceutical Economic Evaluations: telephone: 012 395 8209/8181/4/5; e-mail: sepupdates@health.gov.za or Ntobeko.Mpanza@health.gov.za



DR MJ PHAAHLA, MP

MINISTER OF HEALTH

DATE: 23/03/2022

DEPARTMENT OF HEALTH

NO. 2343

5 August 2022

MEDICINES AND RELATED SUBSTANCES ACT, 1965 (ACT NO. 101 OF 1965) AS AMENDED**(DISPENSING FEE TO BE CHARGED BY PERSONS LICENSED IN TERMS OF SECTION 22C (1) (a))**

I, DR MJ PHAAHLA, the Minister of Health, have on the recommendation of the Pricing Committee, in terms of Section 22G (2) (b) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) as amended, made the regulations in the schedule.

SCHEDULE**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context indicates otherwise-

"the Regulations" means the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances published under Government Notice No. R1102 of November 2005 as amended.

Substitution of Regulation 12

2. The following regulation is hereby substituted for Regulation 12 of the Regulations:

“12. The appropriate dispensing fee as contemplated in section 22G (2) (b) of the Act to be charged by persons licensed in terms of section 22C (1) (a) of the Act must be calculated, exclusive of VAT, as follows:

- (a) Where the single exit price of a medicine or scheduled substance is less than one hundred and thirty-eight rand (R138.00), the dispensing fee must not exceed 30% of the single exit price in respect of that medicine or scheduled substance.
- (b) Where the single exit price of a medicine or scheduled substance is equal to or greater than one hundred and thirty-eight rand (R138.00), the dispensing fee must not exceed forty-one rand forty cents (R41.40) in respect of that medicine or scheduled substance;

3. The provisions of Regulation 12 must be reviewed annually by the Minister after taking into account-

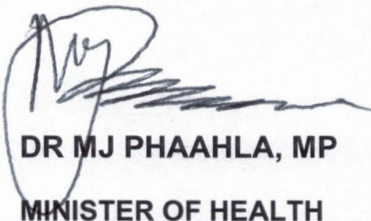
- (a) the need to ensure the availability and affordability of quality medicines and scheduled substances in the Republic;
- (b) annual inflation rates published periodically by Statistics South Africa;
- (c) information supplied by persons licensed to dispense in terms of section 22C (1)(a) in accordance with guidelines determined by the Director-General from time to time by Notice in the Gazette; and
- (d) any other information the Minister may deem necessary to consider.

4. Not less than three months before the review contemplated in regulation 12 (2), the Minister must publish a notice in the Gazette declaring his or her intention to make that

review and inviting interested persons to furnish him or her in writing with any comments thereon or any representation they may wish to make in regard thereto.

5. Persons Licensed to dispensing in terms of section 22C (1) (a) must-

- (a) by means of a clearly displayed notice in the dispensing practice, inform members of the public of the maximum fee structure used by such dispensing practice to determine the dispensing fee; and
- (b) provide an invoice in respect of each medicine that clearly indicates the-
 - (i) dispensing fee charged; and
 - (ii) the single exit price.
 - (iii) VAT component



DR MJ PHAAHLA, MP
MINISTER OF HEALTH

DATE

19/05/2022

DEPARTMENT OF HEALTH

NO. 2344

5 August 2022

OCCUPATIONAL DISEASES IN MINES AND WORKS ACT, 1973 (ACT NO. 78 OF 1973): INCREASE OF PENSION BENEFITS

I, Dr MJ Phaahla, Minister of Health, hereby in terms of Section 105A of the Occupational Diseases in Mines and Works Act, 1973 (Act 78 of 1973), with the concurrence of the Minister of Finance, increase benefits which are payable from the State Account of the Compensation Fund as follows:

1. Increase pension benefits by CPI of 4.8 % per pensioner beneficiary per month with effect from 1 April 2022;
2. Increase the one-sum benefit payable to the widow of the deceased pensioner from R47 495 to R49 775 with effect from 1 April 2022.



DR MJ PHAAHLA, MP
MINISTER OF HEALTH

DATE: 28/03/2022

DEPARTEMENT VAN GESONDHEID

NO. 2344

5 August 2022

WET OP BEDRYFSIEKTES IN MYNE EN BEDRYWE, 1973 (WET NO. 78 VAN 1973): VERHOGING VAN PENSIOEN VOORDELE

Ek, Dr MJ Phaahla, Waarnemende Minister van Gesondheid, ingevolge Artikel 105A van die Wet op Bedryfsiektes in Myne en Bedrywe, 1973 (Wet 78 van 1973), met die instemming van die Minister van Finansies, verhoog hiermee die pensioen voordele wat betaalbaar is uit die Staatsrekening van die Vergoedingsfonds as volg:

1. Die pensioen per bevoordeelde pensioenaris word vanaf 1 April 2022 verhoog met VPI van 4.8% per maand;
2. Die enkelbedrag voordeel betaalbaar aan die weduwee van die afgestorwe pensioenaris word verhoog vanaf 1 April 2022 van R47 495 na R49 775.



DR MJ PHAAHLA, LP
MINISTER VAN GESONDHEID

DATUM: 28/07/2022

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**NO. 2345****5 August 2022****PRESCRIBED RATE OF INTEREST
(SECTION 1 OF THE PRESCRIBED RATE OF INTEREST ACT, 1975)**

(1) Under section 1(2)(b) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, hereby publish a rate of interest of 7,75 percent *per annum* as from 1 May 2022 for the purposes of section 1(1) of the said Act.

(2) Government Notice No. R.1067 of 2020 is hereby withdrawn.

Mr RO Lamola, MP
Minister of Justice and Correctional Services

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**NO. 2345****5 Augustus 2022****VOORGESKREWE RENTEKOERS
(ARTIKEL 1 VAN DIE WET OP DIE VOORGESKREWE RENTEKOERS, 1975)**

(1) Kragtens artikel 1(2)(b) van die Wet op die Voorgeskrewe Rentekoers, 1975 (Wet No. 55 van 1975), publiseer ek, Ronald Ozzy Lamola, Minister van Justisie en Korrektiewe Dienste, hierby met ingang van 1 Mei 2022 vir doeleindes van artikel 1(1) van genoemde Wet 'n rente koers van 7,75 persent per jaar.

(2) Goewermentskennisgewing No. R. 1067 van 2020 word hierby ingetrek.

Mnr. RO Lamola, MP
Minister van Justisie en Korrektiewe Dienste

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. 2346

5 August 2022

**DECLARATION OF PEACE OFFICERS IN TERMS OF SECTION 334 OF THE CRIMINAL
PROCEDURE ACT, 1977: TRANSNET**

I, Ronald Ozzy Lamola, Minister of Justice and Correctional Services, in terms of—

- (a) section 334(1)(a) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), hereby declare that every person who, by virtue of his or her office, falls within a category defined in Column 1 of the Schedule to this notice, shall, within the area specified in Column 2 of the Schedule, be a peace officer for the purpose of exercising, with reference to the offences specified in Column 3 of the Schedule, the powers defined in Column 4 of the Schedule;
- (b) section 334(3)(a) of the Criminal Procedure Act, 1977, hereby prescribe that—
 - (i) a certificate of appointment referred to in section 334(2)(a) of the Criminal Procedure Act, 1977, shall be issued to a person referred to in Column 1 of the Schedule, only if the employer of that person has been furnished with a certificate of competency issued by the National Commissioner of the South African Police Service;
 - (ii) it must be stated in the certificate of competency referred to in subparagraph (i) that, in the opinion of the National Commissioner of the South African Police Service, such person is competent to exercise the powers defined in Column 4 of the Schedule; and
 - (iii) for the purposes of the issuing of a certificate of competency by the National Commissioner of the South African Police Service, the following criteria shall be considered:
 - (aa) The previous criminal convictions of the applicant;
 - (bb) whether the applicant has been declared unfit to possess a firearm as contemplated in the Firearms Control Act, 2000 (Act No. 60 of 2000), or other relevant legislation; and

- (cc) the training undergone by the applicant with regard to the powers to be exercised; and
- (c) section 334(3)(a) of the Criminal Procedure Act, 1977, hereby prescribe that the following information shall, in addition to that which the employer may include, appear in or on the certificate of appointment referred to in section 334(2) of the Criminal Procedure Act, 1977:
 - (i) The full name of the person so appointed;
 - (ii) his or her identity number;
 - (iii) his or her signature;
 - (iv) his or her photograph;
 - (v) a description of the capacity in which he or she was appointed;
 - (vi) the name of the employer who made the appointment; and
 - (viii) the signature and official stamp of the employer or responsible person.

MR RO LAMOLA, MP

MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

SCHEDULE

Column 1	Column 2	Column 3	Column 4
Security officers on the permanent establishment of Transnet SOC Limited, established in terms of section 2 of the Legal Succession to South African Transport Services Act, 1989 (Act No. 9 of 1989).	Any land, building, structure, train or vehicle that belongs to, or which is under the control of, Transnet SOC Limited.	<p>(i) Any offence referred to in paragraph 12 of Schedule I to the Legal Succession to South African Transport Services Act, 1989.</p> <p>(ii) A contravention of sections 4 and 5 of the Drugs and Drugs Trafficking Act, 1992 (Act No. 140 of 1992).</p> <p>(iii) A contravention of sections 36 or 37 of the General Law Amendment Act, 1955 (Act No. 62 of 1955).</p> <p>(iv) Any offence relating to the supply, possession or conveyance of intoxicating liquor.</p> <p>(v) A contravention of section 120(1) (in so far as it relates to sections 3, 84, 90 and 94(2)), (3), (4), (5), (6), (7) and (10)) of the Firearms Control Act, 2000 (Act No. 60 of 2000).</p> <p>(vi) Any offence, with the exclusion of the offences of "treason" and "sedition", listed in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977).</p> <p>(vii) Any offence contemplated in section 3 of Criminal Matters Amendment Act, 2015 (Act No. 18 of 2015).</p> <p>(viii) A contravention of section 1(1) of the Trespass Act, 1959 (Act No. 6 of 1959).</p> <p>(ix) Any offence contemplated in section 7 of the Tobacco Products Control Act, 1993 (Act No. 83 of 1993).</p>	<p>(i) The power to issue a written notice in terms of section 56 of the Criminal Procedure Act, 1977.</p> <p>(ii) The powers conferred upon a peace officer in terms of Chapter 2 of the Criminal Procedure Act, 1977.</p> <p>(iii) The powers conferred upon a peace officer in terms of section 40(1)(a), (b), (c), (d), (e), (f), (h), (j) and (l) of the Criminal Procedure Act, 1977.</p> <p>(iv) The powers conferred upon a peace officer under section 41(1) of the Criminal Procedure Act, 1977.</p>

NATIONAL TREASURY

NO. 2347

5 August 2022

I, E Godongwana, Minister of Finance, acting in terms of the Division of Revenue Act, 2022 (Act No. 9 of 2022), hereby publish in the attached Schedule -

- (a) The allocation of Schedule 7, Part A allocations to KwaZulu-Natal - Provincial Emergency Housing Grant

For ease of reference only and where applicable, the attached Schedule reflect the allocations published in the Division of Revenue amendment Act, 2022 Schedule 7, Part A.

This Government Notice is set out as follows:

Part 1: Conditional allocations; and

Part 2: Explanatory memorandum relating thereto.



Enoch Godongwana
Minister of Finance

Date: 27/07/2022

Explanatory Memorandum to the Provincial Allocations set out in the Schedules

This *Gazette* is published in terms of the Division of Revenue Act, 2022 (Act No. 5 of 2022), and provides information on adjustments to existing allocations to national departments and provinces in the 2022/23 financial year.

This is necessitated by the need to allocate a portion of an unallocated schedule 7, Part A grant to KwaZulu-Natal following storm and flooding damages experienced by the province.

This *Gazette* therefore updates information that was published in the Division of Revenue Act, 2022.

This notice affects the Provincial Emergency Housing Grant,

- a) In compliance with Section 25 of the Division of Revenue Act, 2022 the National Department of Human Settlements allocates R325.764 million to KwaZulu-Natal from the unallocated Provincial Emergency Housing Grant (Schedule 7, Part A).

SCHEDULE 7, PART A

TRANSFERS FROM THE PROVINCIAL EMERGENCY HOUSING GRANT

Vote	Name of allocation	Purpose	Province	Column A		
				2022/23 (Division of Revenue Act, 2022)	Adjustment	2022/23 Adjusted Allocation
Human Settlements (Vote 33)	Provincial Emergency Housing Grant	To provide funding to provinces for the provision of temporary shelter assistance to households affected by disasters or a housing emergency; to provide funding to provinces to repair the damage to housing for low-income households following a disaster or housing emergency if the costs of repairs are less than the cost of relocation and provision of temporary shelter.	Eastern Cape	R'000	-	R'000
			Free State	-	-	-
			Gauteng	-	-	-
			KwaZulu-Natal	-	325 764	325 764
			Limpopo	-	-	-
			Mpumalanga	-	-	-
			Northern Cape	-	-	-
			North West	-	-	-
			Western Cape	-	-	-
			Unallocated	325 764	(325 764)	-
TOTAL			325 764	-	325 764	

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 2348

5 August 2022

**CO-OPERATIVES THAT HAVE BEEN DIRECTED TO CHANGE NAMES BY THE REGISTRAR OF CO-OPERATIVES IN TERMS OF SECTION 11 OF CO-OPERATIVES ACT NO. 14 OF 2005, AS AMENDED.**

Notice is hereby given in terms of section 11 of the Co-operatives Act of 2005 as amended, that co-operative names have been amended as follows:

1. **SAFIKA RICHMOND POULTRY 99 CO-OPERATIVE LIMITED (2013/001515/24)** has been revoked and changed to **MASHOMPI RICHMOND POULTRY 99 CO-OPERATIVE LIMITED.**
2. **SAFIKA TRADING PRIMARY CO-OPERATIVE LIMITED (2012/014185/24)** has been revoked and changed to **NKELENKETLA TRADING PRIMARY CO-OPERATIVE LIMITED.**
3. **SAFIKA AGRICULTURAL PRIMARY CO-OPERATIVE LIMITED (2016/008522/24)** has been revoked and changed to **MAKELE-KELE AGRICULTURAL PRIMARY CO-OPERATIVE LIMITED.**
4. **SAFIKA PRIMARY CO-OPERATIVE LIMITED (2016/002643/24)** has been revoked and changed to **SETAITAI PRIMARY CO-OPERATIVE LIMITED.**

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives

The DTIC Campus

77 Meintjies Street

Sunnyside

0002

Private Bag X237

PRETORIA

0001

The dtic Campus (Block F – Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria, P O Box 429, Pretoria, 0001
Call Centre: 086 100 2472 | Website: www.cipc.co.za



CIPC



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CIPC Companies and intellectual
Property Commission

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 2349

5 August 2022

CO-OPERATIVES THAT HAVE BEEN REMOVED FROM THE REGISTER

1. GARMENT CONSTRUCTION WORKER CO-OP LTD (2017/006776/24)
2. GARMENT ASSEMBLY PRIMARY CO-OP LTD (2017/006776/24)
3. CUTTING ROOM PRIMARY CO-OP LTD (2020/003948/24)
4. KGATO-ENTLE PRIMARY CO-OP LTD (2017/011455/24)
5. LERTSEN MULTI-PURPOSE PRIMARY CO-OP LTD (2020/003334/24)
6. RMR MAINTENANCE AND SERVICES PRIMARY CO-OP LTD (2015/006195/24)
7. NGACANGCA TRADING AND SERVICES PRIMARY CO-OP LTD (2010/000162/24)
8. EYETHU SKILLS DEVELOPMENT PRIMARY CO-OP LTD (2013/003587/24)
9. ZIZAMELE AGRICULTURAL PROJECTS AND MULTI-PURPOSE CO-OP LTD (2015/003686/24)
10. U-FIKILE COMMUNITY PROJECT PRIMARY CO-OP LTD (2014/012583/24)
11. KULULEKANI GENERAL DEALERS PRIMARY CO-P LTD (2017/012171/07)
12. MOKOLO TRADING AND PROJECTS CO-OP LTD (2013/013631/07)
13. DAYS POULTRY AND LIVESTOCK FARMING CO-OP LTD (2010/008757/24)
14. WAKUWA VUKA WASTE MANAGEMENT AND MULTI-PURPOSE PRIMARY CO-OP LTD (2016/010476/24)
15. WILLABEL AGRICULTURAL PRIMARY CO-OP LTD (2012/002696/24)
16. SONONELANA HEALTH AND WELLNESS CO-OP LTD (2012/003737/24)
17. PHAPHAMANI COURT PRIMARY CO-OP LTD (2014/011834/24)
18. MCGREGOR KOOPERATIEWE WYNMAKERY BEPERK (1948/000003/24)
19. WOMAN IN THE MOVE PRIMARY CO-OP LTD (2018/011140/24)
20. KHULULA ISIZWE AGRICULTURAL AND OTHER PROJECTS PRIMARY CO-OP LTD (2020/003789/24)
21. SAMILA AGRICULTURAL PROJECTS PRIMARY CO-OP LTD (2016/007511/24)
22. MASITHOBELANE FARMING PRIMARY CO-OP LTD (2010/006454/24)
23. LAKESIDE WARD 7 PRIMARY CO-OP LTD (2006/000034/24)
24. EZAKWADELA PRIMARY CO-OP LTD (2017/000620/24)
25. TSAMAYA MULTI-PURPOSE CO-OP LTD (2012/016811/24)
26. MOI'S MAGIC CLEANING, CATERING AND EVENTS MANAGEMENT PRIMARY CO-OP LTD (2011/005711/24)
27. SIYAPHLUMA SEWING PRIMARY CO-OP LTD (2017/001679/24)
28. DZITHAVHANI AGRICULTURAL FARMING AND PROJECTS PRIMARY CO-OP LTD (2013/015911/24)
29. TSHITIMANIO FARMING PRIMARY CO-OP LTD (2011/006142/24)
30. ZAMISA PRIMARY CO-OP LTD (2021/301114/24)

Notice is hereby given that the names of the abovementioned co-operatives have been removed from the register in terms of the provisions of section 71A of the Co-operatives Amendment Act, No 6 of 2013.

Lodge any objections to this procedure, which interested persons may wish to raise, must together with the reasons therefore, with this office before the expiration of the period of thirty days.

REGISTRAR OF CO-OPERATIVES

Office of the Registrar of Co-operatives

Dti Campus

77 Meintjies Street

Pretoria

0002

Private Bag X237

Pretoria

0001

DEPARTMENT OF WATER AND SANITATION

NO. 2350

5 August 2022

NATIONAL WATER ACT 1998. (ACT NO.36 OF 1998)

REVISION OF THE NATIONAL PRICING STRATEGY FOR WATER USE CHARGES
OF SECTION 56 (1) OF THE NATIONAL WATER ACT, 1998.

I, Senzo Mchunu, Minister of Water and Sanitation, in terms of section 56(7) of the National Water Act, 1998 (Act No. 36 of 1998), hereby publish the revision of the National Pricing Strategy for Water Use Charges, as contained here to, for the purpose of public comments and consultation with interested and affected parties.

Members of the public are invited to submit written comments on the proposed notice to the Minister of Water and Sanitation within ninety (90) days of publication of this notice to the following address.

By Post

Chief Director: Economic and Social Regulation
Department of Water and Sanitation
Private Bag X313
Pretoria
0001

By Hand

Department of Water and Sanitation
178 Francis Baard Street,
Room 4079, Ndinaye House
Pretoria
0001

Marked for attention: Ms. Sizani Moshidi - Chief Director: Economic and Social Regulation.

By email: moshidis@dws.gov.za and copy pricing-strategy@dws.gov.za

Any enquiries in relation to the revision of the National Pricing Strategy for Water Use Charges can be directed to Ms. S Moshidi at 012 336 6614/082 803 2953 or Mr B. Ngubane at 012 336 7266 / 076 426 7007.

The document is accessible on the following website: www.dws.gov.za/ as well the National and Provincial DWS offices.

Comments received after the closing date will not be considered.



Mr. S Mchunu, MP

Minister of Water and Sanitation

National Pricing Strategy for Raw Water Use Charges

Version 3: 2022



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Raw Water Pricing Strategy Version 3: 2022

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List of Acronyms

CMA	Catchment Management Agency
CMS	Catchment Management Strategy
CPI	Consumer Price Index
CUC	Capital Unit Charge
DAFF	Department of Agriculture, Forestry and Fisheries
DWS	Department of Water and Sanitation (formerly referred to as Department of Water Affairs or DWA)
ER	Economic Regulator
FIBC	Future Infrastructure Build Charge
GWS	Government Water Scheme
HDI	Historically Disadvantaged Individuals
MIG	Municipal Infrastructure Grant
M&I	Municipal and Industrial
NWA	National Water Act, No. 36 of 1998
NWRIA	National Water Resource Infrastructure Agency
NERSA	National Energy Regulator of South Africa
NWRS2	National Water Resource Strategy (version 2)
PPI	Production Price Index
O&M	Operations and Maintenance
RWU	Regional Water Utility
RPF	Resource Poor Farmers
RQO	Resource Quality Objective
SFRA	Stream-Flow Reduction Activities
Stats SA	Statistics South Africa
TCTA	Trans-Caledon Tunnel Authority
VAT	Value Added Tax
WDCS	Waste Discharge Charge System
WHO	World Health Organization
WMA	Water Management Area
WMC	Waste Mitigation Charge
WRA	Water Research Act, No. 34 of 1971
WRC	Water Research Commission
WRL	Water Research Commission Levy

WRM	Water Resource Management
WRMC	Water Resources Management Charge
WUA	Water User Association

Definitions

In this pricing strategy any word or expression to which a meaning has been assigned in the National Water Act shall bear that meaning and, unless the context otherwise indicates –

Betterment:	The augmentation or alteration of an asset that results in a material improvement to the capacity or performance of that asset. Also known as Upgrade.
Capital Unit Charge (CUC):	A system and/ or scheme based charge for repayment of loans/funds raised in commercial markets(off-budget) to fund the development of bulk raw water infrastructure.
Catchment Management Agency:	An entity established in terms of S78 of the NWA as Schedule 3A public entities in terms of the Public Finance Management Act. Catchment Management Agencies are responsible for the management of water resources in a water management area.
Catchment area:	A per Section (1)(iii) of the National Water Act a catchment, in relation to a watercourse or watercourses or part of a watercourse, means the area from which any rainfall will drain into the watercourse or watercourses or part of a water course, through surface flow to a common point or common points.
Commercial water infrastructure:	Infrastructure provided to economic water users who produce a wide variance of private goods and are able to pay full costs for commercial use of water.
Consumer Price Index:	Measures changes in prices for a range of consumer products, it reflects the general cost of living and is a representative basket of goods and services to the consumer.
Controlled Activity:	Irrigation of any land with waste or water containing waste; an activity aimed at the modification of atmospheric precipitation, power generation activity which alters the flow regime of a water resource; intentional recharging of an aquifer with any waste of water containing waste; any activity that the Minister declared a controlled activity.
Depreciation charge:	A charge intended to fund the refurbishment of the water infrastructure to restore the assets in real terms, and improve its expected useful life.
Full cost:	Means the recovery of the full operational cost (Direct and Indirect) and Capital charges.
Future infrastructure build charge:	The charge levied against the user of a water resource for the management of raw water infrastructure as intended under section 56(2)(b)(I, II and III) of the National Water Act. This management includes Rehabilitation, Betterment, and new construction of bulk raw water infrastructure as required by the Department of Water and Sanitation or its successor.

Government water works:	As per Section 1(x) of the National Water Act, a Government Water Works is a waterwork owned or controlled by the Minister and includes the land on which it is situated
Operations and maintenance charge:	A charge intended to fund Operations and Maintenance costs of Government Infrastructure waterworks. As supported by NWA section 56(2) (b) (iv). (Operation an Maintenance cost: The estimated annual cost of operating and maintaining the water supply facility when operated at average day capacity.)
Production Price Index:	A measure of the change in the prices of goods either as they leave their place of production or as they enter the production process. It reflects the cost of manufacturing goods and includes capital and intermediate goods (excluded from the CPI), excludes VAT (included in the CPI) and excludes services.
Public interest functions:	Relates to water resource management activities that are in the public interest and the costs are funded through fiscal support.
Raw water:	means untreated water from the water resource
Resource poor farmer or tree grower:	Means a farmers or tree growers who are approved for financial assistance in terms of section 3(1) of the Regulations on Financial Assistance to Resource Poor Farmers as published in Government Notice No. R. 1036 of 31 October 2007, in alignment with s61-62 of the NWA.
Rehabilitation:	Works to rebuild or replace parts of an asset to enable it to the original capacity and performance, and materially extend its useful life (which may be a full or partial extension of life).
Resource Quality Objectives:	Clear goals relating to the quality of the relevant water resources. The resource water quality objectives are numerical and narrative descriptors of quality, quantity, habitat, and biotic conditions that need to be met to achieve the required management scenario, as per Chapter 3: part2 of the NWA.
Strategic Use:	Means uses that are strategically important to the national economy, as described in Section 6(1)(b)(iv) of the National Water Act and which must be authorised by the Minister, including the transfer of water from one water management area to another and the continued availability of water to be used for electricity generation throughout the country.
Scheme:	Means a single Government waterworks or collection of inter-related Government waterworks supplying a common user base.
Social water infrastructure:	The infrastructure provided to social water resource users that are not able to pay the full costs of the infrastructure, but that require the infrastructure either because it provides social or economic development according to national development plan.
The Department:	Refers to the Department of Water and Sanitation, which includes any reference to the former Departments of Water Affairs and Forestry or Water Affairs as Gazetted as well as its successor.
Waste Discharge Charge System:	Is a framework for charging for the discharge of waste into water resource. It is established in terms of section 21 (f)-(j), around the "Polluter Pays Principle" and the adoption of the economic instruments with the aim to promote the sustainable development and efficient use of water resources.
Waste Mitigation Charge:	Is related to the recovery of costs associated with mitigation and abatement measures employed in the water resource on the surface water and ground water. The User charge is established in terms of Section 56 of the NWA. It is based on the identification and assessment of feasible mitigation measures to reduce the catchment load or its impacts.

Waste:	As per section 1 (xxiii) of the NWA.
Water Reserves:	As defined in Section 1(xviii) of the NWA
Water use:	As defined in Section 21 (a-k) of the NWA.

DRAFT

1. Introduction

This draft revised pricing strategy is published for comment in terms of the National Water Act (NWA), 1998 (Act no. 36 of 1998).

1.1 Why this pricing strategy?

This pricing strategy provides the framework for the pricing of the use of water from South Africa's water resources, i.e. the use of raw (untreated) water from the water resource and/or supplied from government waterworks and the discharge of water into a water resource or onto land. It is developed in terms of the National Water Act, which empowers the Minister of Water & Sanitation, with the concurrence of the Minister of Finance, to establish a pricing strategy for charges of any water use within the framework of existing relevant government policy. Socio-economic, environmental and other changes warranted this third revision of the pricing strategy.

1.2 What are the objectives of the pricing strategy?

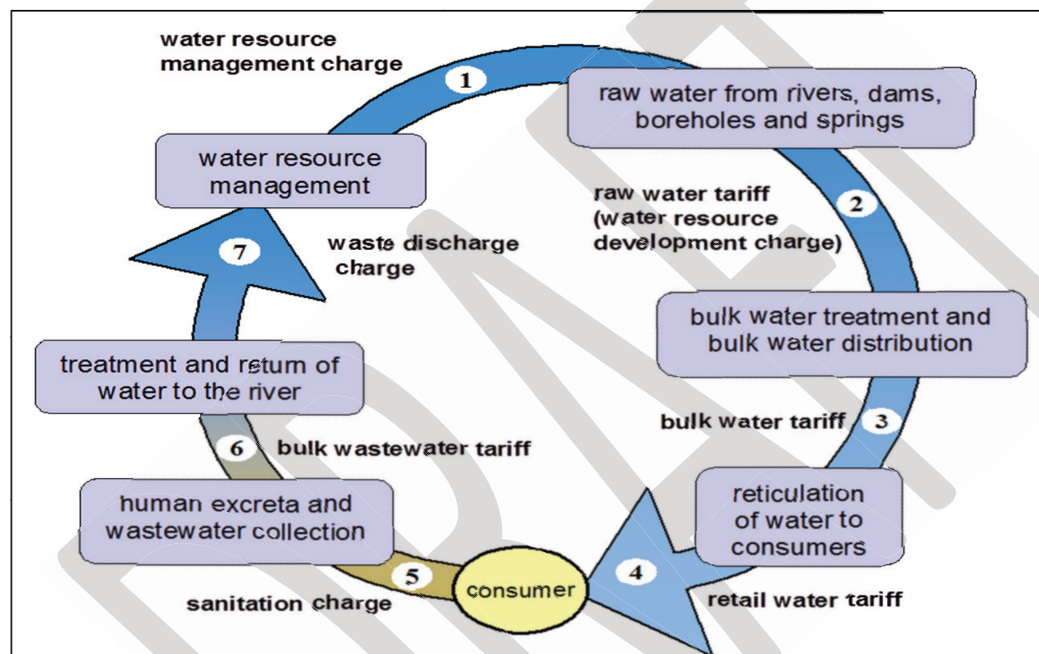
This strategy seeks to facilitate reform in the sector as well to provide transparency and predictability to water users on how water will be priced. It is intended to support the achievement of the goal, as articulated in the National Water Resources Strategy, that water is efficiently and effectively managed for equitable and sustainable growth and development. Within this context the primary objectives of this pricing strategy are to:

- Ensure that the costs of achieving and maintaining the Resource Quality Objectives are sufficiently recovered through the water use charges (or to ensure that there is adequate funding for the achievement and maintenance of the RQOs). It is also critical to ensure that the water resource management systems implemented are cost effective and do not become an unnecessary financial burden on the water users
- Ensure that there is adequate funding for the effective operation, maintenance and development of waterworks by the Department and other water management institutions
- Provide an enabling framework for the provision of financial assistance and the use of water pricing to support the redress of racial and gender imbalances in access to water and to support the redistribution of water for transformation and equity purposes.
- Facilitate financial sustainability of water management
- Promote/facilitate water use efficiency. In the context of water scarcity, it is critical to ensure an efficient allocation, which requires that the price of water reflects its scarcity value, to ensure firstly that water is conserved and secondly that some water is redirected for optimal economic benefits while not harming social benefits.

- Establish a water resource pricing regime for the economic Principles of raw water Pricing.

The full water pricing value chain in the country has been depicted below. The Pricing Strategy for Raw water Use charges focuses on water resource management charges (1) that include waste discharge charges (7); and water resource development / infrastructure, raw water charge (2). In addition, the National Water Resource Pricing Strategy provides for non-consumptive use which includes impeding or diverting the flow in a watercourse; engaging in a controlled activity; altering the bed, banks, course or characteristics of a watercourse.

Figure 1: Water Value Chain



1.3 Pricing Strategy Principles

This pricing strategy is based on sound principles and aims to provide a greater degree of transparency on how raw water is priced in the country. It recognises the developmental context of the South African water sector and acknowledges that where, for social equity, environmental or affordability reasons, water management cannot be sustainably financed from specific water users, then that shortfall must be recovered transparently. The principles guiding water resource pricing are guided by the National Water Act:

Hybrid tariff approach: The pricing strategy provide for a combination of national and water management area specific charges to facilitate the development of affordable tariffs to all users; some elements of charges will be levied as a national charge; some at a water management area level and some directly to users within a scheme based on registered and actual use

Users pay to recover costs: The intent of the pricing strategy is to provide for the full recovery of costs associated with the management, use, conservation and development of water resources and the associated administrative and institutional costs.

Polluters pays to recover costs: The cost of treating water discharge and pollution must be recovered from users who discharge and impact or threaten Resource Quality Objectives or Resource Water Quality Objectives. The waste discharge charge system provides the context for this principle to apply.

Ecological sustainability: The pricing strategy will facilitate funding to ensure the provision of water for the ecological reserve and the water sector's contribution to maintaining water ecosystems. In setting a pricing strategy for water use charges, the Minister must in terms of the NWA S56(6)(a) of the NWA consider the class and resource quality objectives for different water resources.

Differentiated charges: The strategy allows for differential charges to designated water use categories to support the achievement of key national objectives, such as food security, racial and gender equity, job creation and economic development.

Differential charges: In terms of the NWA S56(3) the pricing strategy may differentiate on an equitable basis between different:

- (i) types of geographic areas;
- (ii) categories of water use; and
- (iii) water users.

Basis of water resources charges: The pricing strategy in terms of the NWA S(57)(1) provides for water resource charges to be applied nationally or regionally or for charges to be specific to a water management area, scheme or waterworks. In terms of S56(4) of the NWA the pricing strategy may differentiate under the NWA S56(3)(a) in respect of different geographic areas, based on:

- (i) socio-economic aspects within the area in question;
- (ii) physical attributes of each area; and
- (iii) demographic attributes of each area.

Categories of water use: 1) Schedule 1 use for basic human needs; 2) abstraction use, 3) waste discharge use and 4) non-consumptive use.

Categories of water users: The pricing strategy will differentiate between 1) irrigation users; 2) municipalities; 3) industry and mining users; 4) power generation users, 5) stream flow reduction activities and 6) hydropower users.

In terms of S61 – 62 of the NWA the Minister may, subject to regulations on financial assistance to resource poor farmers, provide financial assistance to users.. The achievement of social equity is one of the considerations in setting differentiated charges. Such financial assistance must be funded from funds appropriated by Parliament. S57(5) of the NWA prohibits any charges that constitute the imposition of a tax, duty or levy.

Accountability and governance: Water management institutions must ensure funds are managed transparently and water resource services and development are undertaken in a cost effective and efficient manner to ensure affordable charges.

Multi-year tariffs: Provides for multi-year tariff determination to facilitate longer term planning and greater levels of certainty for water institutions and users.

1.4 Legal mandate of pricing strategy

In terms of Section 56 of the NWA, the Minister may, with the concurrence of the Ministry of Finance, from time to time by notice in the Government Gazette, establish a pricing strategy for charges for any water use within the framework of existing relevant government policy.

The Pricing Strategy contains the objectives, methodology and implementation strategy for setting water use charges for purposes of:

- funding water resource management through water use charges, (Section 56 (2) (a));
- funding water resource development and use of waterworks (Section 56 (2) (b));
- achieving the equitable and efficient allocation of water, (Section 56 (2) (c));
- providing for a differential rate for waste discharges, hereafter referred to as the WDCS, to enable the monitoring, control and treatment of pollution of water resources (Section 56 (5));
- enabling the provision of financial assistance and the use of water pricing to support the redress of racial and gender imbalances in access to water and to support the redistribution of water for transformation and equity purposes (section 61 and 62)

1.5 Water use not subject to pricing

- **Permissible water use as described under Schedule 1 of the NWA.** A person may use water in or from a water resource for purposes such as reasonable domestic use, subsistence farming, animal watering and fire-fighting as set out in Schedule 1 of the NWA. Schedule 1 use is exempted from water use charges determined in terms of this strategy.
- **Ecological sustainability.** This represents the second component of the Reserve and refers to water (quantity and quality) required to protect the aquatic ecosystems of the water resources and ensure their sustainability.
- **International obligations.** The water required to meet South Africa's commitments regarding international waters will receive priority and will not be allocated for pricing purposes, except where specific agreements have been reached concerning the supply of water to neighbouring countries

1.6 Categories of water uses

Section 56 of the National Water Act instruct the Minister to establish a Pricing Strategy for charges for any water use described in Section 21. The pricing strategy prioritises uses of water stated below, and over time will charge for most defined water use after consultations with stakeholders. With the implementation of the waste discharge charge system, most of the below-mentioned use will be charged for.

Table 1 : Categories of water uses

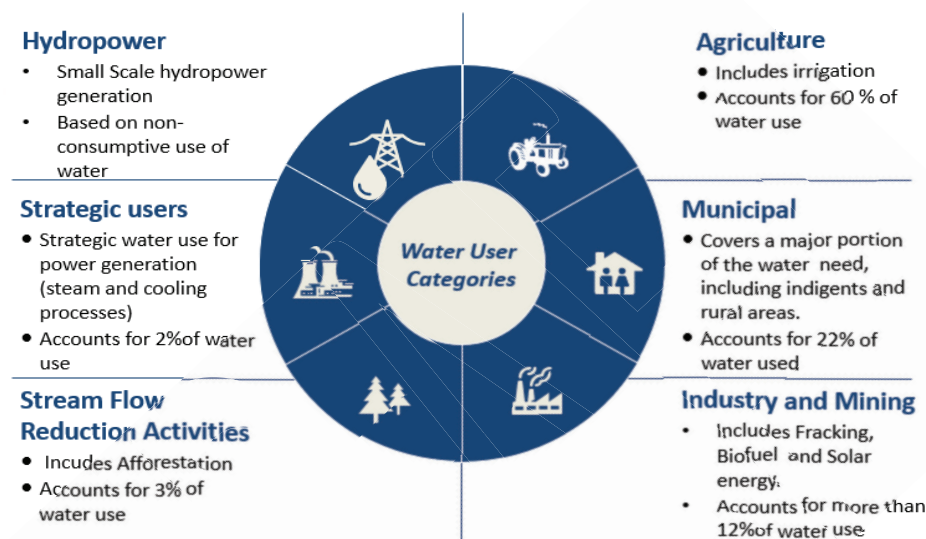
Three categories of water uses	Water use described in section 21(a) to (k)
Abstraction use	(a) taking water from a water resource (b) storing water (d) engaging in a stream flow reduction activity (i.e. land-based activities which significantly reduce stream flow);
Waste discharge use	(e) engaging in a controlled activity identified as such in section 37(1) or declared in section 38(c)(1) (f) discharging waste or water containing waste into a water resource; (g) disposing of waste in a manner which may detrimentally impact on a water resource; (h) disposing of water which contains waste from any industrial or power generation process; (j) removing, discharging or disposing of water found underground;
Non-consumptive	(c) impeding or diverting the flow in a watercourse (e) engaging in a controlled activity identified as such in section 37(1) or declared in section 38(c)(1) (i) altering the bed, banks, course or characteristics of a watercourse; (k) using water for recreational purposes.

2 Water User Categories

In terms of Section 56 (3) of the NWA, the pricing strategy may differentiate on an equitable basis, on the basis of geographic areas, and between different categories of water use; and different water users.

This pricing strategy provides for six water user categories, from the previous four, to better represent the water user groups and to allow for more clearly targeted charges.

Figure 2: Proposed water user categories for charging purposes



The main changes in these categories are the following:

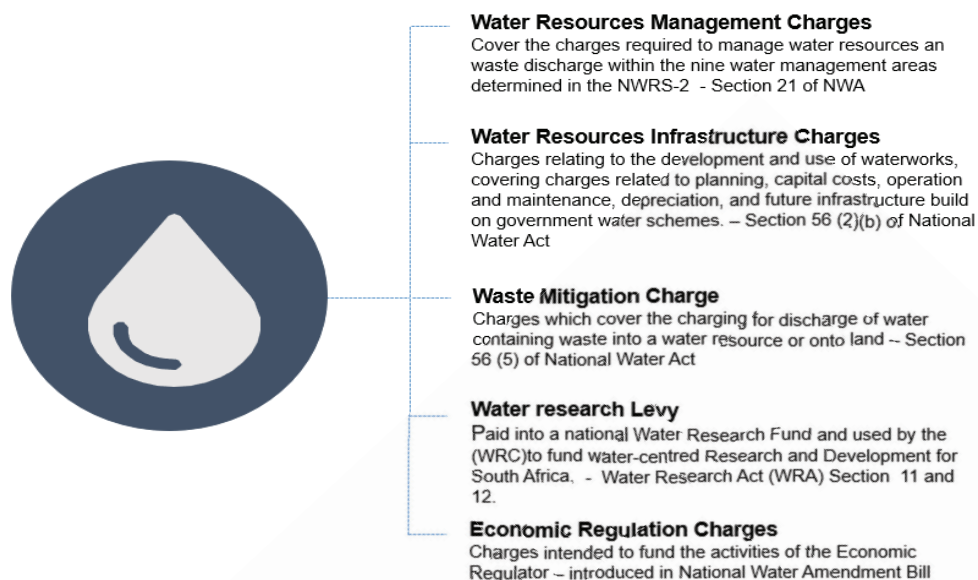
- The split of the formerly Domestic and Industrial category into two separate groups, Municipal (subdivided into Category A, B and C)¹ and Industrial/Mining
- The addition of the Strategic user, representing users with an assurance of supply of 99.5%.
- A category of Hydropower has also been introduced to be able to charge for water use by hydropower plants that are developed as part of the energy mix in the country.

¹ Category A: Metropolitan Municipality, Category B: District Municipality, Category C: Local Municipality.

3 Categories of Charges

In terms of the Section 56(1) and (2) of the National Water Act, the pricing strategy may determine the methodology of setting water use charges.

Figure 3: Categories of Charges



3.1 Water Resources Management Charge

The Water Resources Management Charge (WRMC) funds water resource management activities in each of the WMAs. These activities relate to the protection, allocation, conservation, management and control of all of the nation's water resources. There are two components to WRMC, these being the abstraction water use charge and the waste discharge related water use charge. The activities that may be partially or completely funded from the WRMC are listed in Table 1 (Page 12).

These activities will be progressively undertaken by CMAs when they are established and fully capacitated but will be undertaken by or in conjunction with DWS National and Regional Offices in the interim. In WMAs where both the Department and CMAs are performing WRM functions, income will be shared pro-rata to input costs and this split will be reflected in all sectoral charges and WRMCs will be levied to all users.






Table 2: water resource management activities

Function / Activities	Taking water (abstraction) activities	Waste discharge activities
1. Catchment management strategy and water resources planning	<ul style="list-style-type: none"> Resource studies, investigations and integrated strategy development Allocation plans and administration 	<ul style="list-style-type: none"> Water quality management plan
2. Resource directed measures	<ul style="list-style-type: none"> Implement programmes to monitor Resource Quality Objectives (RQOs) Implement source-directed controls to achieve resource quality objectives Report against the achievement of the Class and RQOs Report on the water balance per catchment (i.e. water available for allocation after consideration of ecological requirements) 	
3. Water use authorization	<ul style="list-style-type: none"> Registration of water use Abstraction activities Maintenance of water management area register of water use Stream flow reduction activities authorization 	<ul style="list-style-type: none"> Waste discharge activities authorization
4. Compliance Monitoring and enforcement of water use	<ul style="list-style-type: none"> Compliance monitoring and enforcement of water users per sector. To conduct investigations of water crimes in relation in accordance with the National Water Act and other relevant legislations. Abstraction activities Dam safety control and classification of dams Compilation, Serve and implement administrative notices Stream flow reduction activities control 	<ul style="list-style-type: none"> Waste discharge control Compliance promotion and audit sampling (users discharge)
5. Disaster management/ Pollution control and emergency incidents	<ul style="list-style-type: none"> Planning and preventative management of disaster (administration) including risk monitoring (management). 	<ul style="list-style-type: none"> Pollution incident planning and response (management) (intervention)
6. Water resources management programmes	<ul style="list-style-type: none"> Integrated water resources programmes Implementing of water management strategies (e.g. water conservation and water demand management) 	<ul style="list-style-type: none"> Implementing of water management strategies (e.g. cleaner technology, dense settlements, waste discharge strategies)
7. Water related institutional development (Stakeholder Management empowerment)	<ul style="list-style-type: none"> Stakeholder participation, empowerment, institutional development & coordination of activities Establishment and regulation of water management institutions Stakeholder consultations Capacity and Empowerment of stakeholders 	
8. River health (Water weed control)	<ul style="list-style-type: none"> Aquatic weeds control 	
9. Maintenance and Restoration of Ecosystems to improve water resources	<ul style="list-style-type: none"> Planning and implementation of ecosystem maintenance and rehabilitation programs, required for water resource protection and achievement and maintenance of RQO's, e.g. sediment control, nutrient trapping, riparian and wetland rehabilitation Control of invasive alien plants with acknowledged negative impacts on water resources, e.g. riparian zones, mountain catchment areas, wetlands and in areas where there could be an impact of aquifers 	
10. Geo-hydrology and hydrology	<ul style="list-style-type: none"> Groundwater and surface water monitoring Compiling of maps and yield information Extending and maintaining the hydrological database & compilation of information 	
11. Administration & Overheads	<ul style="list-style-type: none"> Administrative, institutional & overheads for regional office or CMA 	

3.1.1 TAKING WATER FROM A WATER RESOURCE

There are no concessions granted to any sector on the WRMC except for resource poor farmers and resource poor tree growers due to affordability and redress the imbalances in access to water and redistribution of water for transformation and equity. This charge will be WMA specific and will be based on the Department and CMAs' total costs of undertaking water resources management functions within a Water Management Area. It will apply as follows:

Figure 4: WRM charges for abstraction related water use

	<p>Agriculture will be liable for all WRMC, prorata to its use in the WMA.</p> <p>WRMC for approved resource poor farmers will be phased in over ten years, from the date of registration of the water use, with no charge imposed for the first five years, and the charges will then be phased in incrementally at 20% per annum until the full charge is imposed in year 10.</p>
	<p>Municipal users will attract all abstraction related water resources management costs pro rata to its share of total productive use in the WMA.</p>
	<p>Industry and mining will attract all abstraction related activity costs pro rata to use in the WMA.</p>
	<p>Strategic users will attract all abstraction related activity costs pro rata to use in the WMA.</p>
	<p>Afforestation will attract all abstraction related activity costs, pro rata to productive use, except for dam safety control.</p> <p>WRMC for resource poor tree growers will be phased in over ten years, from the date of registration of the water use, with no charge imposed for the first five years, increasing incrementally at 20% per annum until the full charge is imposed in year 10.</p>

The allocation of functions, in terms of abstraction and waste discharge related users, will be in terms of Table 2. Integrated costs for abstraction and waste discharge activities will be split between the two charges, in relative proportion to the management effort. Where certain actions cannot be accurately costed at a national scale, a nominal, justifiable charge will be set by the Department.

The principles for determining the registered volumes for each sector, as well as the methodology for calculating the unit cost:

- In situations where there is an under recovery of costs, or where there is limited revenue opportunities in the WMA, to cover the costs of public interest functions, i.e. activities that are in the interest of the broader society, the Department will provide fiscal support to the affected CMAs. The

(Annexure 4).

- In WMAs where both the Department and CMAs are performing WRM functions, income will be shared pro-rata to input costs and this split will be reflected in all sectoral charges. These charges will need to be apportioned according to the collection/billing of the income within the different sectors, in cases where cross subsidisation is required the Minister needs to approve. WRMCs will be levied to all users: municipal, industrial and mining, agricultural, SFRA, strategic users and Hydropower.
- In the case of inter-basin transfers, the proportional water resources management costs of exported water will be raised in the receiving WMA and transferred to the transferring WMA. Wherever possible, interlinked catchments will be combined for WRM charge purposes and the funds will be allocated in proportion to the functions performed in each catchment. The activity input cost regarding an inter WMA transfer will be allocated only to those sectors that benefit directly from the transfer through water allocations in the receiver WMA. Where the quality of streamflow from an upstream WMA imposes a water quality management cost on the downstream WMA, this additional cost will be funded by WRMCs on waste dischargers in the upstream WMA.

3.1.2 WRMC FOR WASTE DISCHARGE RELATED WATER USE

This component of the WRMC relates to waste discharge related use, as defined in Section 21 (f) – (j) of the NWA. All water use sectors, including hydropower and stream flow reduction activities will be liable for these charges.

The calculation of charges will be based on the volume of wastewater discharged from a point source, and on the degree of management activity required for non-point source registered uses.

The budgeted water resources management activity costs allocated to waste discharge related water use will be allocated to the water use categories according to the ratio of management effort applied in the WMA..

S21 Waste Discharge related water use

- Engaging in a controlled activity (where the controlled activity relates to waste discharge activities)
- Discharging waste or water containing waste into a water resource
- Disposing of waste in a manner which may detrimentally impact on a water resource
- Disposing in any manner of water which contains waste from, or which has been heated in, any industrial or power generation process
- Altering the bed, banks, course or characteristics of a watercourse; (where such activities have impacts on the water quality of the water course)
- Removing, discharging or disposing of water found underground if it is necessary for the efficient continuation of an activity or for the safety of people

While Section 56 2(b) of the NWA defines the costs related to the development and use of waterworks, including:

- (i) the costs of investing and planning;
- (ii) the costs of design and construction;
- (iii) pre-financing of development;
- (iv) the costs of operation and maintenance;
- (v) a return on assets; and
- (vi) the costs of water distribution

Section 111 mandates the Minister to finance the acquisition, construction, alteration, repair, operation and control of Government waterworks from funds appropriated by Parliament or obtained from any other source.

The water resources infrastructure charge provides for the development and use of Government waterworks and may include the related costs of investigation, planning, design and construction and pre-financing of water schemes, which constitute the capital cost of projects.

The pricing strategy considers the costs through the full lifecycle of the infrastructure and therefore makes provisions for four components to this charge; namely:

- Operations and Maintenance (O&M)
- Depreciation / Refurbishment
- Future Infrastructure Build Charge (FIBC), and
- Capital Unit Charge (CUC).

These charges will be based on annually updated capital and operational expenditure plans of institutions managing water resources infrastructure and will take into account parliamentary appropriations and other contributions. It will be a differentiated tariff for the water use categories, and all charges will be scheme specific with the exception of the FIBC, which will be determined on a national basis.

In terms of development of new infrastructure or the augmentation of existing infrastructure, Department funding will in future be confined mostly to social water resource development or betterment projects, which conform to the purpose, set out in Section 2 of the NWA where the demand is not driven by specific commercial water users or sectors.

The funding of commercially viable new water infrastructure will be done by off-budget debt financing through institutional arrangements. The social component, associated with development and betterment,

Need for water use charges

- If water use charges are too low, they will lead to underinvestment, lack of maintenance and unwarranted fiscal subsidies.
- There is a need to adjust to higher real charges over time to accommodate the cost of investing in supply capacity to meet rising demand and to maintain, rehabilitate and refurbish existing infrastructure.
- There is also a need to invest in economic regulation of infrastructure financing and management.

within commercially viable infrastructure projects will be funded by the State. Funding of water resources management infrastructure, such as gauging stations will be funded by the Department, if it supports the national monitoring network, and by users at a WMA or scheme level, if the monitoring infrastructure is needed for non-national purposes.

The application of the four components of the infrastructure charge will therefore vary, depending on the funding arrangements of the schemes.

Table 3: The applicability of the infrastructure charges on new and existing government water schemes, which are either commercially or government funded.

	Existing Schemes			New Schemes	
Charge to be Levied	Commercial portion of schemes funded	Social portion of schemes funded by the Minister	Funded off-budget and debt has been repaid	Fully or partially funded by the Minister (social)	Off-budget funded portion of scheme
Operation and Maintenance (O&M)	Yes	Yes	Yes	Yes	Yes
Depreciation / Refurbishment	Yes	Yes	Yes	Yes	Yes
Future Infrastructure Build Charge (FIBC)	Yes	Yes	Yes	Yes	Yes
Capital Unit Charge(CUC)	No	No	No	No	Yes

3.2.1 The Operations and Maintenance Charge (O&M)

The O&M charge will facilitate the recovery of the direct and indirect operations and maintenance costs on government water schemes to ensure that infrastructure is in an optimum condition and that there is continued security of supply.

The O&M charge is determined on a zero base budget for each year. It will be recovered on a scheme or system basis and can either be based on actual cost recovery or on a forecast of annual O&M costs and of water use. This charge is applicable to all sectors, except the irrigation sector for which it is capped. The direct operation and maintenance costs include fixed and variable costs, which can be attributed directly to

maintenance) and distribution costs. Direct costs will be allocated directly to sectors where this is possible.

The indirect costs are the costs which cannot be directly attributed to a specific scheme, but which contribute towards the sustainable management of the water system. This includes the regional/ area office. Indirect operation and maintenance costs will be allocated to the different sectors in an equitable manner.

3.2.2 The Depreciation Charge

The depreciation charge provides for the loss in functional performance and real term value of existing water resource infrastructure that occurs due to wear and tear, decay, inadequacy and obsolescence. The depreciation charges will be used to refurbish existing assets on a prioritised basis, as and when required. As refurbishment will only restore the original capital value of assets in real terms, no increases in charges will take place as a result of refurbishment. This charge is applicable to all sectors supplied from Government waterworks.

Standard performance and capital value can only be restored through refurbishment.

Examples are the replacement of pumps, sluice gates on dams, the concrete lining of a canal or a portion of a pipeline.

The depreciation charge will be scheme or system specific. Depreciation of the replacement cost of the assets is charged based on a straight-line basis over the estimated useful life of each component of an item of property, plant and equipment. Depreciation commences when the asset is available for its intended use by management. Land, artwork and assets under construction are not depreciated. All other property, plant and equipment, including capitalised leased assets, are depreciated on a straight-line basis over their estimated useful lives or the term of the lease, whichever is shorter.

A cost or a depreciated replacement cost model would apply to determine the annual depreciation cost. The estimated useful lives over which the assets will be depreciated are in accordance with the table below.²

² The ranges for the estimated total useful life can be narrowed down or a weighted average estimated useful life can be determined if the relevant data is available. However, the estimated total useful life for an asset class should be based on sound engineering principles and not merely be an accounting calculation.

Table 4: Estimated Useful Life of assets for depreciation

Component	Estimated Total Useful Life (years)
Water storage related infrastructure:	
• Dams & Weirs	40 - 100
• Canals	40 - 100
• Tunnels	40 - 100
• Reservoirs	80
Pump Stations:	
• Structures	10 - 80
• Components	3 - 50
Pipelines	
• Syphons & Concrete pipelines	40 - 100
• Pipeline structures	25 - 75
• Pipeline components	20 - 75
Buildings	
• Building structures	50 - 80
• Building components	10 - 20

If the initial (or historic) capital cost is available or known for an existing or new asset, this value will be used as replacement cost. The calculation formula for annual depreciation cost (ADC) is as follows:

$$ADC = \frac{\text{Replacement Cost}}{\text{Expected Useful Life}}$$

If the historical or initial capital cost is unknown, as is often the case with older schemes or assets, the depreciation replacement cost (DRC) approach would be followed. The DRC is equal to the cost to construct the asset in today's terms with the asset already depreciated since it became available for its intended use by management at the time when it was constructed. The DRC is calculated as follows:

$$DRC = \frac{[\text{Estimated Total Useful Life} - \text{Age of Asset}] * \text{Current Cost to Construct Asset}}{\text{Estimated Total Useful Life}}$$

The calculation formula for annual depreciation cost (ADC) is then as follows:

$$ADC = \frac{\text{Depreciated Replacement Cost (DRC)}}{\text{Expected Useful Life}}$$

3.2.3 The Future Infrastructure Build Charge (FIBC)

The FIBC will contribute towards the funds for the development of social and economic development stimulus water resource infrastructure, including the costs of investigation planning, design, construction and pre-financing. The FIBC shall not be used to subsidise operations and maintenance expenditure.

The FIBC is only intended to finance these activities for social and economic development stimulus infrastructure which includes schemes where:

- there is supply to domestic users that is associated with basic water requirements, whether this is the entire scheme in a rural area or a portion of a municipal supply system, and
- infrastructure that will provide for future economic water use for which there are currently no/insufficient users or for which the existing users cannot afford the development of water infrastructure, but where the water supply is necessary to provide for future economic development.

The classification of a project (social or commercial) will be based on the approved feasibility study report. The quantum of the FIBC will be based on the annualised costs of the Department's 10-year infrastructure development plan as defined in the latest version of the National Water and Sanitation Masterplan, less any budgetary allocations towards the social development costs made by National Treasury. The excess FIBC funds accrued in any year shall be placed in the Reserve. The FIBC should be matched as closely as possible to the funding requirements of the next ten years social and economic development stimulus infrastructure so that excessive long terms reserves are not accumulated. The Reserve shall be audited annually and reported on in the annual financial statements of the WTE or the NWRIA. The portion of the scheme that is social and commercial may be reclassified from time to time, as economic development and household incomes improve in a project supply area.

The FIBC will be calculated at a national level, such that all users (as listed in figure 2 on Page 13), pay the same charge per m³. It will be based on the annual costs for social infrastructure development / betterment and management costs (investigation, planning, design, pre-financing, overheads, etc.), as defined in the Department's 10 year infrastructure plan. The calculation is expressed below:

$$\text{FIBC} = \frac{\text{Infrastructure development: Betterment: management Costs}}{\text{DWS National Volumes} - \text{subsidies volume}}^3$$

³ Infrastructure development: Betterment: Management Costs after excluding budgetary allocation by National Treasury for social development costs

3.2.4 Capital Unit Charge (CUC)

The current institutional framework empowers the Minister to direct the water management institutions to implement and fund government water schemes off-budget, are entitled to raise loans to finance the development of the new infrastructure, and to service these loans through cost recovery i.e. investment (loan), where such infrastructure is commercially viable.

The CUC will be determined for each scheme and will provide for the debt service requirements on these commercially viable projects, within a reasonable period of 20 years and taking cognisance of affordability, the economic life and the timing of potential future augmentation of the infrastructure. The CUC may however, be dealt with on a system or a national basis, should institutional reforms enable such change. It will be based on water used from the scheme and not necessarily on water provided into the scheme.

The CUC will be based on the financial models for the project and will be determined by negotiations with the relevant water users. It will be formalized through water supply agreements with either the Department or the WMI, depending on the implementation arrangements. The CUC may be subject to an annual review where increases are passed through automatically or under specific conditions negotiated between the parties. All water users supplied from the scheme, with the exception of the social component, will be liable for the CUC. Users of the social component of the scheme will be subject to tariffs applicable to state funded schemes.

The CUC will cease once the project debt has been repaid, the project will then attract all charges that are applicable to State funded schemes. Where the users of new infrastructure fund their portion of such infrastructure planning, design and construction through a lump sum contribution they will not be liable for paying the CUC of that scheme.

Assurance of supply means the probability, expressed as a percentage, that a water user will obtain its water requirements or a portion thereof without water restrictions. It is thus the probability that water will be supplied without any curtailments.

Strategic water users have a high assurance of water supply that is equal to 99.5%. This means that they should, on average, get their full supply of water for only one year out of two hundred. Municipal / Industrial / Mining users have a 97% assurance of water supply, which is higher than the assurance of supply of 91% for Agricultural users. These different assurances of supply are reflected in the charges that the different sectors pay since the assurance of supply is built into the calculation of the charge.

The assurance of supply results in users with a higher assurance of supply pay more for their water than those with a lower assurance of supply.

Assurance of Supply methodology

Total volume of water available from a scheme or system is allocated to different water use categories that receive water as per assurance of supply that applies to each category

Average volume of water that each water user category will receive from a scheme or system is adjusted by the assurance of supply that applies to the respective categories

A new assurance of supply adjusted total volume of water is determined for each category

Percentage cost allocation for each water user category is then determined by dividing the new assurance of supply adjusted volume for each water use category by the new assurance of supply total volume of water

- If 22 million m³(22 %) is allocated to Municipal, at 97% assurance
- 12 million m³ (12%) is allocated to Industry and mining, at 97% assurance
- 2 million m³(2%) is allocated to strategic use, at 99.5% assurance and
- 60 million m³(60%) is allocated to Agriculture at 91% assurance

The assurance of supply for each of these user categories changes the totals that each industry actually receive, such that the total guaranteed to each of these categories are as follows:

Municipal	22 million m ³ × 0.97	= 21, 34 mill m ³
Industry and mining	12 mill × 0.97	= 11, 64 mill m ³
Agriculture	60 mill × 0.91	= 54, 6 mill m ³
Strategic use	2 mill × 0.995	= <u>1, 99 mill m³</u>
Total		<u>89, 57 mill m³</u>

The new total becomes 89, 57 mill m³. In order to allocate the expenses in a manner that reflects the assurance of supply, we divide the new strategic use by the new total in order to determine how much of the expenses should be allocated to the strategic users:

Strategic users share of cost will be 1,99 mill m³ / 89, 57 mill m³ = 22.2%

Assurance of supply applies to the following infrastructure related charges:⁴

- O&M
- Depreciation
- Capital Unit Charge

3.2.6 Hydropower

Hydropower is a critical renewable energy source. There is further potential to develop at least small hydropower plants with capacities ranging from 1 to 15 MW (megawatt), which generate approximately 446 000 MWh/annum.

Water used in hydropower generation is non-consumptive, apart from possible increase in evaporation, and it is therefore necessary that appropriate pricing mechanisms are applied to support viability of these schemes. This pricing strategy therefore proposed that charges for hydropower generation should be based on c/kWh (cent per kilowatt hour) of energy generated and a fixed charge based on kW installed, instead of the cent per cubic meter of water use charged for raw water abstraction, which is neither practical nor applicable.

Micro hydropower includes all applications with an installed capacity of less than 1 MW and is considered for self or own use only. These applications will be exempt with no charge applicable. Systems with a capacity between 1 MW and 20 MW are considered commercial applications and the charges below will apply:

Table 5: Commercial hydropower plant charges

	Scenario A	Scenario B
	Hydropower plant integrated within DWS's infrastructure at the dam	Hydropower plant developed downstream of DWS's infrastructure and downstream of the dam wall
Fixed charge	R10.00 / kW per annum	R5.00 / kW per annum
Variable charge	R0.01 / kWh	R0.01 / kWh

⁴ Assurance of Supply does not apply to FIBC as this is only intended to finance activities of social and economic development stimulus infrastructure and will not benefit high assurance users.

Costs would be increased annually by PPI.

Table 6: Commercial hydropower plant charges

Calculation

The maximum installed capacity is estimated at 446 000 MWh/annum, and is converted as follows:

446 000 MWh = 446 000 000 kWh per annum (variable charge).

446 000 000 kWh / 8760 (hours in a year) = 50 913 kW (fixed charge for installed capacity).

Based on a maximum installed capacity, DWS's potential income will be as follows:

Scenario A

Hydropower plant integrated within DWAF's infrastructure

Fixed charges	50 913 kW x R10 / kW	=	R 509 130
Variable charges	446 000 000 x 1 cent	=	R 4 460 000
Annual income under scenario A		=	<u>R 4 969 130</u>

Scenario B

Fixed charges	50 913 kW x R5 / kW	=	R 254 565
Variable charges	446 000 000 x 1 cent	=	R 4 460 000
Annual income under scenario B		=	<u>R 4 714 565</u>

It is most likely that a combination of scenario A and B will be applicable in practice, therefore the total income will probably be somewhere between A and B.

The total average unit charge based on kWh will be R0.0114 cent under scenario A and R0.0106 cent under scenario B. This compares favourably with the proposed water tariff of R0.0106 cent, proposed by NERSA (National Energy Regulator of South Africa), in their document titled South Africa Renewable Energy Feed-in Tariff (REFIT) – Regulatory Guidelines, 26 March 2009.

Large hydropower that have been installed on National Infrastructure form part of long term mutually beneficial agreements between DWS and the owner / operator of these schemes as these were mostly joint developments of the dams and associated infrastructure. These collaboration agreements spell out the rules to be applied, and will remain in place as is.

New large scale hydropower (i.e. >20 MW) may be negotiated between the Department and the owner / operator of such plant on a similar basis as the existing collaboration agreements, or in the absence of these, the small scale hydropower charges should apply.

In implementing the proposed charges for small scale hydropower generation, each hydropower operator will have to provide the Department with a copy of their annual returns to NERSA. This information will provide the basic input to charge a tariff to the power generators that will establish business within the next few years. This charge may be subject to an annual escalation equivalent to an appropriate basis for escalation.

The Pricing Strategy prohibits the request by hydropower generation operator to release additional water from the dam for the purpose of generating power.

3.3 Waste Discharge Charge System

The WDCS is based on the polluter-pays principle and aims to promote the sustainable development and efficient use of water resources; internalise the environmental and social costs of using water; create financial incentives for water users to reduce waste and use water resources more optimally, and recover costs associated with impacts of waste discharges. The WDCS is therefore applicable to all dischargers but will only be implemented where identified interventions are to be affected.

The WDCS will be applied at a catchment level, the catchment area will be defined as those areas that have a significant impact on or are impacted by the specific water quality problem. This may therefore be an entire catchment in which a wide-spread water quality problem exists or may be a sub-catchment within a larger basin, which is bounded by reservoirs and/or sub-catchments with insignificant contaminant loading. The potential impact of waste disposal on groundwater resources is recognised. The WDCS may be implemented in catchments for which Resource Quality Objectives (RQOs) are either exceeded or threatened but may also be implemented in areas where identified water quality challenges are prevalent and require redress. In the absence of a class and associated RQOs, Water Quality Planning Limits (WQPLs) (previously referred to as Resource Water Quality Objectives) are developed to guide the management water quality. The Waste Discharge Charge System will be implemented through the Waste Mitigation Charge.

3.3.1 Waste Mitigation Charge

The Waste Mitigation Charge is related to the recovery of costs associated with mitigation and abatement measures employed in the water resource to achieve RQOs or WQPLs. This user charge is established in terms of the Pricing Strategy under the NWA, and therefore it should be focused on the recovery and disbursement of quantifiable costs incurred in the mitigation of direct impacts of waste discharge. To be a user charge, it is important that all dischargers only pay according to their proportional contribution to the problem. Accordingly, while the Waste Mitigation Charge may influence dischargers to reduce their discharge loads, it must be defined around the cost of mitigation.

actual costs associated with impact caused by the discharge/disposal of waste. In order to set appropriate charges, the following must be developed or identified:

- Key representative pollutants
- The direct impact costs of the discharge/ disposal of waste
- Abatement costs for categories of pollutants
- Costs for the administration and oversight of mitigation interventions; and
- Charge estimation and distribution models.

The following are four scenarios for which the Waste Mitigation Charge may be considered:

- i. Removal of load from the water resource: costs for developing and operating regional mitigation schemes, initiatives or projects for the reduction of water quality loads within the water resource.
- ii. Water resource system operation for water quality management: costs associated with reduced system yield associated with the management of river-reservoir systems to reduce the impact of water quality problems.
- iii. Treatment for downstream water users: costs incurred in developing and operating additional treatment requirements for downstream users, particularly where water quality does not meet specified resource quality objectives.
- iv. Treatment at source: costs of reducing waste load from a specific source, including regional schemes to collect and treat waste from a number of sources before it enters the water resource.

Waste Mitigation Charge (WMC)

- Facilitates the recovery of costs to mitigate the impacts of waste discharge on surface water resources.
- Charged to registered water users discharging waste in the impacted catchments.
- Dependent on net waste load (load in discharge, less load in intake) in the return flows.

The Waste Mitigation Charge will be charged on water quality variables that critically impact on the RQOs or WQPLs, which will be selected with due consideration to the type of waste discharge sources, the nature of the waste typically discharged, and the cost-effectiveness of monitoring different variables.

Table 7 waste mitigation charge rate formula

$$CM_{xik} = RM_{xiy} \cdot [(Cd_{ik} \cdot V_{dk}) - (Ca_{ik} \cdot V_{ak})]$$

CM_{xik} = Waste Mitigation Charge for discharger k, mitigation measure x and water quality variable i

RM_{xiy} = constant charge rate for mitigation measure x and variable i for a period y

Cd_{ik} = discharge concentration of variable i (registered) from discharger k

Ca_{ik} = abstraction concentration of variable i (registered) for discharger k

V_{dk} = discharge volume (registered) from discharger k

V_{ak} = abstraction volume (registered) for discharger k

The determination of the charge rate will be specific to the locality where it will be applied. Therefore, the charge rates will not be the same across the different catchments. The charge rates are also dependent on the water quality variable/s to be addressed.

The WMC will facilitate the recovery of the full costs to mitigate the impacts of waste discharge on surface water resources. It will be a charge to registered water users, discharging waste in the impacted catchments, and will be dependent on the net waste load (load in discharge, less load in intake) in the return flows and not on the concentration. The Department will be responsible for the costs associated with load that cannot be charged to registered water users (registered point source and registered discharge to land facilities).

- The WMC may be applied to all discharges contributing to the load in an upstream catchment where downstream resource quality objectives are threatened or exceeded, even where incremental upstream resource quality objectives are met.
- The mitigation measures and thus the associated waste discharge charges may be phased in to enable planning by dischargers and to allow adaptive setting of charges as conditions change.
- Minimum load thresholds for charging may be specified on the basis of administrative cost considerations.

3.4 Water Research Levy (WRL)

The WRL is used for the promotion of water research and development on behalf of the nation and is levied in terms of Section 11 of the Water Research Act (WRA). It empowers the Minister, with the concurrence of the Ministry of Finance, to set tariffs in respect of water research charges levied on quantities of water supplied, or made available for use, for agricultural purposes, urban purposes, industrial purposes or any other purposes. While the Department will collect the WRL on behalf of the WRC, the WRL remains independent of changes in water use charges governed by the pricing strategy. The WRA allows for differentiated charges, based on geographic areas, categories of water use and water users.

The WRCC is payable by the municipal, industrial & mining, agriculture and strategic water use sectors.⁵ water research levy will be based on the projected annual research requirements for the sector, contained in Water Research Business Plan, and will be levied on registered volumes for abstractive uses in the applicable water use sectors. The levying of water research charges on registered volumes will be phased in over a 3 year period, from the current use of volume of water supplied.

Section 11 of the WRA also empowers the Minister to levy rates on land which may be irrigated by means of water supplied or made available by the State, an irrigation board or a water board. This version of the pricing strategy phases out the rates on irrigated land in lieu of a registered water volume charge.

Given the current challenges in the water sector, including increasing pressure on water resources, water quality challenges and challenges with water services delivery, the national policy requires an intensification of water research. Subsequent revisions of the pricing strategy will therefore introduce water research charges for additional water use categories, such as stream flow reduction activities and hydropower, and will introduce charges for waste discharge, as well.

3.5 Economic Regulator Charge (ERC)

The Economic Regulator Charge is proposed as a separate category and it is intended to fund the activities of the Economic Regulator. It should be noted that the activities of the Economic Regulator are not part of the costs to produce water, but that the Economic Regulator has a critical role to play in all aspects of the water value chain. The NWA does not currently provide for levying a charge for these activities, and the ERC will only be implemented once the necessary legislation provides for such charges.

The ERC will be based on the annual budget of the independent Economic Regulator and will be recovered on the total register volume of users liable for the charge. The ERC will be payable by all sectors. The scope of the economic regulatory activities and the basis for calculation of the charge is included in Appendix

⁵ DWS will review the policy position on the exclusion and/or exemption of other sectors from paying the WRCC.

3. Application of Charges to Water User Categories

Table 8: Application of Charges to Water User Categories

WATER USER CATEGORY	WATER RESOURCE MANAGEMENT CHARGES	INFRASTRUCTURE RELATED CHARGES	WASTE MITIGATION CHARGE ⁶	WATER RESEARCH LEVY
Municipal	WRM charges in place. Full cost recovery on abstraction and waste discharge related costs.	On-budget GWS: Depreciation, FIBC, O&M including ER charge Off-budget GWS: CUC, Depreciation, O&M and FIBC	Full costs of mitigation charge.	Currently based on use of volume of water supplied. In future WRL will be based on registered volumes and phased in over a 3 year period.
Industrial / Mining	WRM charges in place. Full cost recovery on abstraction and waste discharge related costs.	On-budget GWS: Depreciation, FIBC, O&M including ER charge Off-budget GWS: CUC, Depreciation, O&M and FIBC	Full costs of mitigation charge.	Currently based on use of volume of water supplied. In future WRL will be based on registered volumes and phased in over a 3 year period.
Strategic Users	WRM charges in place. Full cost recovery on abstraction and waste discharge related costs.	On-budget GWS: Depreciation, FIBC, O&M including ER charge Off-budget GWS: CUC, Depreciation, O&M and FIBC (post payment of loans)	Full costs of mitigation charge.	Currently based on use of volume of water supplied. In future WRL will be based on registered volumes and phased in over a 3 year period.
Stream Flow Reduction Activities: Commercial growers	Cost recovery on abstraction related costs but excludes cost of Dam Safety Control and waste discharge related costs.	No charge would be applicable unless the sector willingly buys in on the construction of the dams to compensate from stream flow reduction effects.	No charge	Currently based on use of volume of water supplied. In future WRL will be based on registered volumes and

⁶ Waste discharge charges to be implemented after registration of waste users as per catchment specific plans

WATER USER CATEGORY	WATER RESOURCE MANAGEMENT CHARGES	INFRASTRUCTURE RELATED CHARGES	WASTE MITIGATION CHARGE ⁶	WATER RESEARCH LEVY
				phased in over a 3 year period.
Stream Flow Reduction Activities: Resource poor tree growers	<p>Cost recovery on abstraction related costs but excludes cost of Dam Safety Control and waste discharge related costs.</p> <p>WRM charge phased in over 10 years from the date of registration</p> <ul style="list-style-type: none"> • Waived for first 5 years after registration and phased in over 5 year period that follows • Subsidy starts at 100% for 5 years, then reduces by 20% annually <p>No WRM charge for forest plantations <10 ha.</p>	No charge would be applicable unless the sector willingly buys in on the construction of the dams to compensate from stream flow reduction effects.	No charge	Currently based on use of volume of water supplied In future WRL will be based on registered volumes and phased in over a 3 year period.
Irrigation: Commercial farmers	Full recovery of allocated costs.	<p>Depreciation , O&M including ER charge on existing schemes, FIBC charged.</p> <p>Off-Budget: CUC, Depreciation, O&M and FIBC.</p> <p>Full financial cost recovery for new schemes.</p>	Full costs of mitigation charge for commercial farmers who are discharging directly to the source.	Currently based on use of volume of water supplied In future WRL will be based on registered volumes and phased in over a 3 year period.

WATER USER CATEGORY	WATER RESOURCE MANAGEMENT CHARGES	INFRASTRUCTURE RELATED CHARGES	WASTE MITIGATION CHARGE ⁶	WATER RESEARCH LEVY
Irrigation: Resource poor farmers	<p>WRM charge phased in over 10 years from date of registration</p> <ul style="list-style-type: none"> • Waived for first 5 years after registration and phased in over 5 year period that follows • Subsidy starts at 100% for 5 years, then reduces by 20% annually 	<p>Depreciation, O&M and FIBC charges waived for a 5 year period and phased in over 5 year period that follows on existing and new schemes.</p> <ul style="list-style-type: none"> • Subsidy starts at 100% for five years, then reduces by 20% annually • Capital subsidies available under certain conditions • Targeted subsidies to be provided by DWS for water resources infrastructure or purchase of water allocations 	<p>WMC charge phased in over 10 years from date of registration</p> <ul style="list-style-type: none"> • Waived for first 5 years after registration and phased in over 5 year period that follows <p>Subsidy starts at 100% for 5 years, then reduces by 20% annually</p>	<p>Currently based on use of volume of water supplied</p> <p>In future WRL will be based on registered volumes and phased in over a 3 year period.</p>
Hydropower	<p>Where, a hydropower operation requires water to be released from a dam to generate power at times that such water would not be used by other downstream water users, then abstraction related water resources management and infrastructure charges will apply to this volume water.</p>	<p>Fixed charge in installed capacity and variable charge per kilowatt hour.</p> <p>All charges immediate on registration or authorization of water use.</p>	<p>In the event of an incident, a full costs of mitigation charge.</p>	<p>Still to be determined.</p>

3.6 Indexation of Charges

The pricing strategy must use the index that is linked the closest to the cost being inflated or compared.







The CPI (Consumer Price Index) is a benchmark for how consumers perceive tariff increases relative to a basket of other goods consumed. While the CPI is a good overall test, this index should be limited to the O&M components when calculating the various raw water use charges, with the exception of energy costs. For the latter, an 'energy index' based on the average price of electricity as calculated from Eskom's Annual Report should be used as it reflects the energy cost the closest.

The PPI (Production Price Index) is based on a completely different basket of items than the CPI. It reflects the cost of manufacturing goods and is the closest reflection of the cost of construction. The PPI should be applied when calculating infrastructure related charges.

3.7 Summary of Charges

A summary of the applicability of the charges to each sector is shown in the table below.

Table 9: Summary of Water Use Charges per Water Use Category

Sectors		Water Resources Management Charge	Water Resources Infrastructure Charge	Waste Discharge Mitigation Charge	WRC Charge	Economic Regulation Charge (Future)
	Municipal	YES	YES	YES	YES	YES
	Industry and Mining	YES	YES	YES	YES	YES
	Strategic Users	YES	YES	YES	YES	YES
	Agriculture	YES	YES	YES	YES	YES
	Stream Flow Reduction Activities	YES	X	X	YES	YES
	Hydropower	YES	YES	YES	YES	YES

Appendix 1: Implementation of the pricing strategy

1.1 Removal of pricing strategy cap

The price capping which were previously afforded to different user categories are removed, only Resource Poor Farmer and Resource Poor Forester subsidy will be retained. The charges will be phased in gradually to reach full cost over a period of between 5 to 10 years.

1.2 Measurement of Water Use

Water charges are currently based on registered water use, where water use is not measured or metered. Water for productive use is available or is abstracted at different assurances and this must be reflected in the annual payment for water resource management services and is taken into account in the registered volume. The intention is, however, to phase in the compulsory measurement of water abstraction so that water use charges relating to development and use of waterworks can be charged against actual abstraction rather than registered use. Water resources management charges will continue to be charged against registered use for stability of revenue and administrative ease.

1.3 Treatment of Reserve Funds for Depreciation and FIBC

The Department will manage the funds associated with depreciation and FIBC charges, within a dedicated reserve fund. When the above structures have been put in place the depreciation charge revenue may serve as a stabilization reserve for refurbishment whilst the FIBC income may serve as a provisioning reserve for betterment and development of social and economic stimulus development projects and could also be applied to dam safety betterments on existing social schemes. Use of depreciation funds will be prioritised in accordance with DWS integrated water resource risk management systems. The Department will continue to fund these projects, until such time that the reserve fund has been built up.

The depreciation and FIB charges will require reserve funds to be managed by the Department over time.

Use of depreciation funds will be prioritised in accordance with Department integrated water resource risk management systems.

As stated above, once a ring fenced provision account for the FIBC revenue has been established, this revenue will be applied to the funding of water resource development, prioritised as follows:

- (i) Planning and feasibility of future augmentation, (social or commercial projects),
- (ii) Betterment and/or development of social or economic development stimulus projects.

- (iii) Dam safety betterments on existing schemes (social).

Further costs such as those required for international obligations will be funded from the exchequer.

Prior to developing new water infrastructure projects, Department will assess the viability of undertaking water conservation and demand management, including alien vegetation clearing and rehabilitation or protection of natural infrastructure, as a cost effective alternative to developing new water infrastructure projects.

1.4 Application of the Pricing Strategy for Natural Disasters

Section 56(3)(e) of the National Water Act allows the Minister to provide on an equitable basis for some elements of the charges to be waived in respect of specific users for a specified period of time. In addition to the support offered hereunder, any relief offered by other government departments at the time of the natural disaster could also be applied to offset further water charges.

1.5 Veld and forest fires and floods

In the event of veld and forest fires or floods, when water resources are not in use as a result of damages caused, the Minister may apply her/his mind to grant some form of relief to affected users. The relief will in all cases be limited to the actual Water Resource Management charges, which could be fully or partially waived for a fixed period of time. The Minister will consider the extent of damage to crops and/or plantations in determining the relief to be granted. The pricing strategy does not provide for the provision of cash grants as a relief.

1.6 Droughts

During times of droughts when it is necessary to curtail entitlements, the following guidelines will apply when water restrictions are imposed by the Department on established and resource poor farmers on existing Government Water Schemes. In schemes where the actual available supply is:

- greater than or equal to 70% of the irrigation quota, full charges will apply,
- less than 70% and equal to or above 50% of the irrigation quota, charges will be limited to the WRM charges and the O&M and FIBC charges, while the Depreciation charges will be waived,
- less than 50% and equal to or above 30% of the irrigation quota, charges will be limited to the WRM charges and 30% of the O&M and FIBC charges, and the depreciation charges will be waived,
- less than 30% and equal to or above 0%, of the irrigation quota, charges will be limited to the WRM charges, implying that the depreciation, FIBC and O&M charges will not apply.

CMAs and WUAs (or RWUs once these have been established) must approach the Department with a motivation for the implementation of these drought measures when appropriate. When less than 50% of water is available, the Department will approach National Treasury for the shortfall in income to be recovered from the fiscus.

1.7 Purchase of “extra water”

The policy of allowing scheduled irrigators on Government water schemes to purchase “extra water” under certain conditions at heavily subsidized prices has been discontinued. Only under exceptional circumstance, such as an unexpected heat wave, may irrigators be allowed to purchase additional water over and above the quotas. The charge for such extra water will be the raw water charge for Industrial/Mining supply.

1.8 Multi-Year Charges

The Department and CMAs will introduce with the implementation of this Pricing Strategy, a system of multi-year charges. In terms of this principle, sectoral charges will be developed during the budgetary process for each water management area and charges will be set for a period of three years. Final sectoral charges will then be formalised and disseminated through the accounts receivable system to the water users prior to the commencement of the financial year and in accordance with the multi-year charges process.

For the first three years, these charges will be reviewed annually on a rolling-three year basis to ensure that the mechanisms and tools work effectively. Thereafter, i.e. in year four after the implementation of this strategy, the charges will be set for three years, every three years. The implementation of the economic regulator for water will assist to ensure that these charges are appropriate.

The water use charges must be approved by the economic regulator on/ or before the 15th of September of every appropriate year, where after the charges must be provided to water services providers and bulk water services providers in order to enable them to calculate bulk water tariffs before 30th of September⁷. Until the economic regulator is established, the Minister must approve the charges.

It must be noted that if water use charges are too low they may lead to non-viable institutions, sub-optimal water resources services and overall deterioration of the water resources. There is therefore a need to adjust to higher real charges within a limited time period to accommodate the cost of effective and financially sustainable water management institutions, taking cognisance of affordability constraints within user sectors.

⁷ Bulk water service providers must commence with their consultation with water services authorities in October of every appropriate year in order to comply with the Norms and Standards in respect of tariffs for bulk water services supplied by bulk water services providers or regional water utilities to other water services institutions.

1.9 Approval of Water Use Charges

The Minister approves the water use charges for government waterworks and for water resource management. The Economic Regulator reviews and advises the Minister on aspects such as revenue, cost and tariff trends, substantive parameters such as the affordability of tariffs, collection ratios and efficiency, the impact of an adjustment of tariffs on sectors and/or on the revenue and sustainability of the WTE, as well as compliance with the pricing strategy and other regulatory guidelines and requirements.⁸ The Minister presents the charges to the Portfolio Committee to get their input, but the Minister remains ultimately responsible to approve the water use charges.

The annual raw water use charge budget planning and price setting process is depicted in the table in Appendix 2

1.10 Payment and Collection of Water Use Charges

The Minister may appoint any appropriate body as a billing agent, such as a water board, CMA, WUA or other external body. The proportion of the income collected by these agencies that may be retained by the agent must be contractually agreed with the Department. Unless other arrangements are approved by the Department or CMA, all water use categories, with the exception of the irrigation and stream flow reduction sectors, will be invoiced on a monthly basis. The irrigation and stream flow reduction sectors, will be invoiced on a six monthly basis.

Minimum cut-off values for annual payment can be laid down by CMAs where the cost of collection would exceed income. Reimbursements of inter-WMA transfer payments will be done on a monthly basis in equal instalments.

Arrear water charges will attract interest at rates determined by the Minister from time to time.

1.11 Implementation Date

This pricing strategy will be implemented as once it is approved at the start of any given financial year, following approval. The charges that will be implemented onwards will be guided by the provisions of this pricing strategy

⁸The Economic Regulator is not independent and reports to Minister; it is thus part of DWS and can currently only advise the Minister of the tariff determination process. Legislation amendments are required to provide the Economic Regulator with the necessary powers and mandate to approve water use charges.

ANNEXURE 4: PUBLIC INTEREST ACTIVITIES WEIGHTINGS

Table 10: Weighting of public interest activities

No	Function	Activities	Beneficiaries	Classification	Activity % public	Activity weight	Function % public
1.	Catchment management strategy and Water Resources planning	Resource studies, investigations and integrated strategy development at catchment level	All	Even mix	50%	33%	67%
		Water allocation administration	All	Public	100%	33%	
		Water quality management plan	All	Even mix	50%	33%	
2.	Water related institutional Development (Stakeholder Management empowerment)	Stakeholder participation, empowerment, institutional development & coordination of activities	All	Mostly private	30%	50%	20%
		Establishment and regulation of water management institutions (e.g. WUAs)	Customers	Private	0%	17%	
		Stakeholder consultations	Customers	Private	0%	17%	
		Capacity and Empowerment of stakeholders	All	Mostly private	30%	17%	
3.	Disaster management/Pollution control and emergency incidents	Planning and preventative management of disaster including risk monitoring (Management)	All	Mostly private	30%	50%	30%
		Pollution incident planning and response (management)	All	Mostly private	30%	50%	

No	Function	Activities	Beneficiaries	Classification	Activity % public	Activity weight	Function % public
4.	River health (Water weed control and invasive alien plant removal)	<p>Adopting of rivers by doing the following activities: Removal of solid waste in and around the river. Invasive plants removal on the river banks and within the river. Identify sources of pollution and other impacts to the river like soil erosion; develop interventions to curb further pollution and degradation of rivers. Monitoring (taking samples, in-situ monitoring of water quality, mini SASS, visual assessments) of the rivers. Stabilization and restoration of river banks by vegetating indigenous trees. Rehabilitation of the eroded river banks.</p>	All	Mostly public	70%	100%	70%
5.	Water use authorization	<p>Water use authorization [Registration of water use (Include Validation and verification of registered water use)] Maintenance of water management area register of water use</p>	Customers	Private	0%	20%	0%
			Customers	Private	0%	20%	

No	Function	Activities	Beneficiaries	Classification	Activity % public	Activity weight	Function % public
		Revenue management with the following charges Set, consult and collect WRM charges in the water management area aligned to the pricing strategy	Customers	Private	0%	20%	
		Abstraction & stream flow reduction activities Authorization	Customers	Private	0%	20%	
		Waste discharge activities Authorization	Customers	Private	0%	20%	
6.	Geo-hydrology and hydrology (including water quality)	Groundwater and surface water and eco system (quality) monitoring in respective catchment areas	Customers	Mostly private	30%	50%	30%
		Maintaining the geo-hydrological database & compilation of information in respective catchment areas	Customers	Mostly private	30%	50%	
7.	Resource directed measures	Implement programmes to monitor resource Quality Objectives (RQOs)	Customers	Private	0%	25%	0%
		Implement source-directed controls to achieve resource quality objectives	Customers	Private	0%	25%	
		Report against the achievement of the Class and RQOs	Customers	Private	0%	25%	
		Report on the water balance per catchment (i.e. water available for allocation after consideration of ecological requirements)	Customers	Private	0%	25%	

No	Function	Activities	Beneficiaries	Classification	Activity % public	Activity weight	Function % public
8.	Water resources management programmes	Integrated Water resources programmes	All	Public	100%	33%	53%
		Implementing of Water management strategies (e.g. Water conservation and demand management)	All	Mostly private	30%	33%	
		Implementing of Water management strategies (e.g. cleaner technology, dense settlements, waste discharge strategies)	All	Mostly private	30%	33%	
9.	Compliance Monitoring, Control and enforcement of water use. (Effective enforcement of compliance with water legislation)	Compliance Promotion and audit sampling (users discharge)	Customers	Private	0%	11%	0%
		Monitoring of water users (per sector: public institutions, mining, industry, agriculture and dam owners)	Customers	Private	0%	11%	
		Enforcement of Water Use (e.g. enforcing meter installations, suspending entitlements, enforcing licence conditions)	Customers	Private	0%	11%	
		To conduct investigations of water crimes are conducted in relation in accordance with the National Water Act and other relevant legislations.	Customers	Private	0%	11%	
		Implementation of Strategies, SP's tools and guidelines	Customers	Private	0%	11%	
		Compilation, Serve and implement administrative notices	Customers	Private	0%	11%	

No	Function	Activities	Beneficiaries	Classification	Activity % public	Activity weight	Function % public
		Abstraction & stream flow reduction activities control	Customers	Private	0%	11%	
		Waste discharge control	Customers	Private	0%	11%	
		Classification of dams	Customers	Private	0%	11%	
10.	International Relations	Operational issues related to international water users	Other parties	Public	100%	100%	100%
11.	Administration & Overheads	Administration & overheads for regional office or CMA	All	Mostly private	30%	100%	30%

DRAFT

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

NOTICE 1201 OF 2022

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT No. 22 OF 1994)

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This is a claim for the restitution of land rights that has been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

Claim Ref. Number	Claimant	Claim submission date	Claimed Property	Extent (sqm)	Year of Dispossession
W342	Mr. S. Williams	28 December 1998	Erf 6081 (Stellenbosch) under the Stellenbosch Municipality, Western Cape	6486 square meters	1970

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 14 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape

Private Bag X9163

Cape Town

8000

Tel: (021)409-0300

Fax: (021)424-5146

CHECKED.....

DATE..... 2022/04/17

APPROVED.....

DATE..... 2022/04/11

Mr. L.H Maphutha

Regional Land Claims Commissioner

HANDEL, NYWERHEID EN KOMPETISIE, DEPARTEMENT VAN

NOTICE 1202 OF 2022

TRADE POLICY DIRECTIVE ISSUED IN TERMS OF SECTION 5 AND NOTICE IN TERMS OF SECTION 6 OF THE INTERNATIONAL TRADE ADMINISTRATION ACT, 71 OF 2002, ON THE EXPORTATION OF FERROUS AND NON-FERROUS WASTE AND SCRAP METAL**EXPORT CONTROL**

I, Ebrahim Patel, in my capacity as Minister of Trade, Industry and Competition, (the "**Minister**") acting under the powers vested in me by section 5 and section 6 of the International Trade Administration Act, 71 of 2002 (the "**Act**"), hereby issue the following Trade Policy Directive in terms of section 5 and Notice in terms of section 6(1)(c) of the Act.

1. Notwithstanding Government Notice No. R.92 in *Government Gazette* No. 35007, as amended from time to time, the Minister prescribes, in terms of section 6(1)(c) of the Act, that ferrous and non-ferrous waste and scrap metal of a kind listed in the schedule hereto may not be exported from the Republic of South Africa for a period of six months from the date of publication of this Trade Policy Directive and Notice, provided that –
 - 1.1. ferrous and non-ferrous waste and scrap metal for which export permits were issued by the International Trade Administration Commission of South Africa ("**ITAC**") prior to the publication of this Trade Policy Directive and Notice may be exported; and
 - 1.2. ferrous and non-ferrous waste and scrap metal for which export permits are issued by ITAC in respect of export applications lodged before the date of publication of this Trade Policy Directive and Notice may be exported.
2. The Minister hereby issues a Trade Policy Directive in terms of section 5 of the Act that ITAC shall:
 - 2.1. suspend the operation of the Price Preference System for the exportation of ferrous and non-ferrous waste and scrap metal (the "**PPS**") which is set out in the Amended Export Control Guidelines on the Exportation of Ferrous and Non-Ferrous Waste and Scrap as published in Government Notice No. 532, *Government Gazette* No. 43765 of 2 October 2020 as amended from time to time (the "**PPS Guidelines**") for a period of six months from the date of publication of this Trade Policy Directive and Notice; and

- 2.2. not accept or process any applications for export permits for the exportation of waste and/or scrap metal after the date of publication of this Trade Policy Directive and Notice, provided that the PPS and PPS Guidelines shall continue to apply to applications lodged before the date of publication of this Trade Policy Directive and Notice and export permits may be issued in respect of those applications.

Members of the public and interested/affected parties are to submit their written representations and comments within a period of 21 (twenty-one) days from date of publication of this draft notice to the Director-General of Trade, Industry and Competition, marked for the attention of Mr. Mahendra Shunmoogam, either by e-mail: scrapmetalspolicy2022@thedtic.gov.za or hand delivered: at 77 Meintjies Street, Block A, 1st Floor, Sunnyside, Pretoria, 0132.



EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION

DRAFT SCHEDULE

Description of goods	Tariff heading
Ferrous waste and scrap, re-melting scrap ingots of iron or steel	72.04
Copper waste and scrap	7404.00
Copper powders and flakes	74.06
Nickel waste and scrap	7503.00
Nickel Powders and flakes	75.04
Unwrought aluminium	76.01
Aluminium waste and scrap	7602.00
Aluminium powders and flakes	76.03
Unwrought lead	78.01
Lead waste and scrap	7802.00
Lead Powders and flakes	7804.20
Unwrought Zinc	79.01
Zinc waste and scrap	7902.00
Zinc dust, powders, and flakes	79.03
Unwrought tin	80.01
Tin waste and scrap	8002.00
Unwrought tungsten, including bars and rods obtained simply by sintering	8101.94
Tungsten (Wolfram) waste and scrap	8101.97
Unwrought molybdenum	8102.94

Molybdenum waste and scrap	8102.97
Unwrought Tantalum, including bars and rods obtained simply by sintering; powders	8103.20
Tantalum waste and scrap	8103.30
Unwrought Magnesium	8104.1
Magnesium waste and scrap	8104.20
Cobalt waste and scrap	8105.30
Bismuth waste and scrap	8106.90
Titanium waste and scrap	8108.30
Zirconium waste and scrap	8109.3
Cadmium waste and scrap	8112.61
Antimony waste and scrap	8110.20
Manganese waste and scrap	8111.00
Beryllium, chromium, hafnium, rhenium, thallium, cadmium, germanium, vanadium, gallium, indium, niobium (columbium) and articles of these metals, including waste and scrap	81.12

HANDEL, NYWERHEID EN KOMPETISIE, DEPARTEMENT VAN

NOTICE 1203 OF 2022

EXPORT CONTROL

I, Ebrahim Patel, in my capacity as Minister of Trade, Industry and Competition, acting under the powers vested in me by section 6(1)(d) of the International Trade Administration Act, 71 of 2002, hereby amend Government Notice No. R. 92 published in *Government Gazette* No. 35007, dated 10 February 2012, by:

1. The inclusion of the following Controlling Authority under paragraph (III):

T – Department of Trade, Industry and Competition

2. The inclusion under Schedule 1 of the following description in Column (1), Code letter in Column (2) and tariff subheading in Column (3):

Description of goods	Code letter	Tariff heading
Granules and powders, of pig iron, spiegeleisen, iron or steel	T	72.05
Iron and non-alloy steel in ingots or other primary forms (excluding iron of heading 72.03)	T	72.06
Semi-finished products of iron or non-alloy steel	T	72.07
Stainless steel in ingots or other primary forms; semi-finished products of stainless steel	T	72.18
Other alloy steel in ingots or other primary forms; semi-finished products of other alloy steel	T	72.24
Unrefined copper; copper anodes for electrolytic refining	T	74.02
Refined copper and copper alloys, unwrought	T	74.03
Master alloys of copper	T	74.05
Aluminum bars and rods	T	76.04

3. The deletion under Schedule 1 of the following description in Column (1), Code letter in Column (2) and tariff subheading in Column (3):

Description of goods	Code letter	Tariff heading
Refined copper: Wire bars	I	7403.12
Refined copper: Billets	I	7403.13
Refined copper: Other than cathodes and sections of cathodes	I	7403.19
Copper-zinc base alloys (brass)	I	7403.21
Copper-tin base alloys (bronze)	I	7403.22
Other copper alloys (excluding master alloys of heading 74.05)	I	7403.29

Members of the public and interested/affected parties are to submit their written representations and comments within a period of 21 (twenty-one) days from date of publication of this draft notice to the Director-General of Trade, Industry and Competition, marked for the attention of Mr. Mahendra Shunmoogam, either by e-mail: scrapmetalspolicy2022@thedtic.gov.za or hand delivered: at 77 Meintjies Street, Block A, 1st Floor, Sunnyside, Pretoria, 0132.



EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION

HANDEL, NYWERHEID EN KOMPETISIE, DEPARTEMENT VAN

NOTICE 1204 OF 2022

IMPORT CONTROL

I, Ebrahim Patel, in my capacity as Minister of Trade, Industry and Competition, acting under the powers vested in me by section 6(1)(b) of the International Trade Administration Act, 71 of 2002, hereby amend Government Notice No. R. 91 published in *Government Gazette* No. 35007, dated 10 February 2012, by the inclusion under Schedule 1 of the following description in Column 1 (Description of goods) and tariff heading in Column 2 (Tariff heading):

SCHEDULE 1

Description of goods	Tariff (sub)heading
Industrial or laboratory furnaces and ovens, including incinerators, non-electric	
- Furnaces and ovens for the roasting, melting or other heat-treatment of ores, pyrites or of metals	8417.10
- Other	8417.80
Guillotines - Machine-tools (including presses) for working metal by forging, hammering or die forging (excluding rolling mills); machine-tools (including presses, slitting lines and cut-to-length lines) for working metal by bending, folding, straightening, flattening, shearing, punching, notching or nibbling (excluding draw-benches); presses for working metal or metal carbides, not specified above:	8462.32.10 8462.32.90 8462.33 8462.39 8462.4 8462.51.20 8462.51.90 8462.59.20 8462.59.90
- Shearing machines (including presses) (excluding combined punching and shearing machines):	8462.61.40 8462.61.90

<p>- - Other:</p> <p>- - - Of the guillotine type, with a cutting length exceeding 1 000 mm but not exceeding 4 150 mm (excluding those with 3 or more axes)</p> <p>- - - Other: 8462.39.90 [i.e., Guillotines with cutting lengths not complying with specifications of tariff heading 8462.39.10 above].</p>	<p>8462.62.20</p> <p>8462.62.90</p> <p>8462.63.20</p> <p>8462.63.90</p> <p>8462.69.20</p> <p>8462.69.90</p> <p>8462.90.30</p> <p>8462.90.90</p>
<p>Granulators – Machines and mechanical appliances having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and mechanical appliances:</p>	<p>8479.89.90</p>
<p>Shredders - Machines and mechanical appliances having individual functions, not specified or included elsewhere in this chapter; parts thereof:</p> <p>- Other machines and mechanical appliances:</p> <p>- - Other:</p> <p>- - - Other.</p>	<p>8479.89.90</p>

Members of the public and interested/affected parties are to submit their written representations and comments within a period of 21 (twenty-one) days from date of publication of this draft notice to the Director-General of Trade, Industry and Competition, marked for the attention of Mr. Mahendra Shunmoogam, either by e-mail: scrapmetaltpolicy2022@thedtic.gov.za or hand delivered: at 77 Meintjies Street, Block A, 1st Floor, Sunnyside, Pretoria, 0132.



EBRAHIM PATEL
MINISTER OF TRADE, INDUSTRY AND COMPETITION

HANDEL, NYWERHEID EN KOMPETISIE, DEPARTEMENT VAN

NOTICE 1205 OF 2022

INVITATION FOR COMMENT

**DRAFT POLICY PROPOSALS ON MEASURES TO RESTRICT AND REGULATE TRADE
IN FERROUS AND NON-FERROUS METALS WASTE, SCRAP AND SEMI-FINISHED
FERROUS AND NON-FERROUS METAL PRODUCTS TO LIMIT DAMAGE TO
INFRASTRUCTURE AND THE ECONOMY**

President Ramaphosa in his State of the Nation Address 2022 stated that "[t]he damage caused by the theft of scrap metal and cable on our infrastructure like electricity, trains and other vital services is enormous. We will take decisive steps this year both through improved law enforcement and by considering further measures to address the sale or export of such scrap metal".

On 08 June 2022 Cabinet approved "[t]hat public consultations be undertaken on proposals to restrict the trade of illegally obtained scrap and processed metals. The theft of scrap metal and copper cable from public infrastructure hinders the performance of the economy by imposing enormous costs. Some of the disruptions include the supply of energy and rail services due to vandalised rail tracks. They impose additional transport costs on commuters due to disrupted commuter transport. Vandalised and unsecured electricity cables pose safety risks to communities, especially children. Cabinet directed that the dtic should lead the consultations within a limited period, and solicit inputs from the public and relevant sectors on effective measures that government can implement to stop the vandalising of critical economic infrastructure. Thereafter, Cabinet will pronounce on the approved measures."¹

Having regard to the above, the Department of Trade, Industry and Competition ("**dtic**"), following consultations with the Department of Police, National Treasury, the Department of Mineral Resources and Energy, the Department of Public Enterprises, and the Department of Transport, requests public comment on the policy proposals ("**the Draft Policy**") including the various options identified in the document.

¹ <https://www.gcis.gov.za/newsroom/media-releases/statement-cabinet-meeting-wednesday-8-june-2022>.

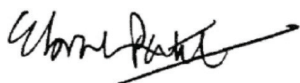
The Draft Policy is published together with the following draft policy directives and notices:

- a draft trade policy directive issued in terms of section 5 and draft notice in terms of section 6(1)(c) of the International Trade Administration Act No 71 of 2002, on the exportation of ferrous and non-ferrous waste and scrap metal;
- a draft notice in terms of section 6(1)(d) of the International Trade Administration Act No 71 of 2002, amending Government Notice R92 published in *Government Gazette* 35007 of 10 February 2012; and
- a draft notice in terms of section 6(1)(b) of the International Trade Administration Act No 71 of 2002, amending Government Notice R91 published in *Government Gazette* 35007 of 10 February 2012,

referred to collectively as the "**draft directives and notices**".

Public comment is also invited on the draft directives and notices, in terms of section 5 and section 6(1)(b), (c) and (d) of the International Trade Administration Act No 71 of 2002.

Members of the public and interested/affected parties are to submit their written representations and comments regarding the Draft Policy and the draft directives and notices within a period of 21 (twenty-one) days from date of publication of this invitation to the Director-General of Trade, Industry and Competition, marked for the attention of Mr. Mahendra Shunmoogam, either by e-mail: scrapmetalpolicy2022@thedtic.gov.za or hand delivered: at 77 Meintjies Street, Block A, 1st Floor, Sunnyside, Pretoria, 0132.



EBRAHIM PATEL

MINISTER OF TRADE, INDUSTRY AND COMPETITION

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1. SUMMARY

- 1.1 South Africa faces a serious challenge from theft of metal and the associated impairment and destruction of infrastructure. The incidents of theft have increased markedly in recent years, as has the detrimental impact on the economy and society more generally.
- 1.2 To track the extent of the problem and to identify potential solutions, the Government commissioned research from independent experts, including Trade and Industrial Policy Strategies ("**TIPS**")² and Genesis Analytics ("**Genesis**").³ Inputs were also sought from Eskom, Transnet, the South African Police Service ("**SAPS**") and business. The results have been reviewed by, and discussed between, different government departments. The conclusions reached are that South Africa requires the introduction of a number of bold measures to decisively tackle metal theft.
- 1.3 In this regard, Government intends to pursue a balanced approach having regard to the need to combat the scourge of metal theft in a proportionate manner. It is proposed to adopt various measures that will create a new **Metal Trading Regime** in the country, designed to undermine the criminal syndicates and networks that threaten South Africa's vital economic infrastructure while, at the same time, limiting the extent to which the new regime imposes costs on the metal value-chain.
- 1.4 Various regulatory measures will be required to give effect to the proposed interventions, including a) notice and policy directives issued in terms of the International Trade Administration Act 71 of 2002 ("**the ITA Act**") that can be implemented without delay, b) amendments to the regulations issued in terms of the Second-Hand Goods Act 6 of 2009 ("**the Second-Hand Goods Act**") and c) amendments to the Second-Hand Goods Act and other legislation, or the passing of new, primary legislation focused on metal trading. As the timing required to implement these interventions differ, the proposed policy measures will, broadly speaking, be implemented in three phases.

² Trade and Industrial Policy Strategies, 2022, Measures to Prevent Theft of Scrap Metal: <http://www.thedtic.gov.za/wp-content/uploads/TIPS-Measures-to-prevent-theft-of-scrap-metal.pdf>

³ Genesis Analytics, 2022, South African Policy Options for Reducing Metal Theft: http://www.thedtic.gov.za/wp-content/uploads/Genesis_SA-Policy-Options-Reduce-Metal-Theft.pdf

- 1.4.1 In *phase 1*, the focus will be on interventions that can be implemented without delay through the use of directives and notices, including a) imposing a temporary (six-month) prohibition on the export of waste and scrap metal, b) the creation of an export permit system for semi-finished metal products and c) the creation of an import permit system for furnaces and various other scrap transformation machines.
- 1.4.2 In *phase 2*, the focus will be on amendments to the regulations promulgated under the Second-Hand Goods Act, and any other regulations under other legislation, that will enhance and strengthen the domestic registration regime for metal trading. These regulatory changes will be introduced following a public process in which interested parties will be given an opportunity to comment on the proposed amendments. Interventions during this phase will also include a limitation on the ports (and, potentially, land borders) that may be used for export. In addition, the Government will pursue policy coordination between South Africa and various regional bodies including the Southern African Development Community ("**SADC**"), the Southern African Customs Union ("**SACU**") and the African Union ("**AU**").
- 1.4.3 In *phase 3*, the focus will be on aspects of the new regime that may require amendments to existing legislation or the passing of new legislation, including a prohibition on using cash in any transaction involving scrap, waste or semi-finished metal. Any legislation that is enacted in this phase will follow a public consultation process.
- 1.5 While the Government might have otherwise been inclined to proceed directly to the regulatory interventions contemplated in phase 2, these interventions will take some time to implement and the pressing nature of metal theft and its devastating consequences necessitates the adoption of the more severe measure contemplated in phase 1, namely, the imposition of a temporary export prohibition for six (6) months. This measure will allow time for the Government to establish the regulatory regime that will apply once the export prohibition comes to an end, while arresting/reducing the immediate damage to public infrastructure.
- 1.6 Although the phases may appear from their description to be sequential, they are not rigid and will, in practice, overlap. It is anticipated that phase 1 will last for six (6) months from the date on which the export prohibition is imposed. Work on the amendments to existing regulations will commence within the first phase, and it is

anticipated that these amendments will be gazetted by the beginning of phase 2 and implemented in that phase. The legislative action called for in phase 3 may take up to 24 months to finalise, starting from the launch of phase 1.

2. BACKGROUND AND MOTIVATION

2.1 Metal theft is a serious problem in South Africa. Metal prices, including scrap metal prices, are multiple times higher than they were at the turn of the 21st century. High metal prices are the key driver of theft: they motivate criminal syndicates to extract metal from installed infrastructure and sell it for scrap.

2.2 While the problem of metal theft applies to a wide range of metals (including both ferrous and non-ferrous metals), copper theft is the most serious concern. Copper wires form the physical networks that carry electricity, telecommunications, and rail signals, for hundreds of thousands of kilometres across the country. Given their size and breadth, these crucial networks are not easily guarded, nor is the problem limited to South Africa or developing countries. Metal theft is also a pressing problem in developed countries.

2.3 The cost of metals theft

2.3.1 The economic and other costs of metals theft is enormous. For example, copper theft constitutes a serious threat to our national infrastructure, undermining the country's low-cost rail advantage and the performance of its electrical grids. The costs of service downtime and general infrastructure repair are multiple times higher than the value of the actual metal that is extracted. According to the research from TIPS and Genesis, copper theft from the country's rail network and electricity grids imposed an annual economic cost exceeding **R45 billion** in 2020/2021. This is based on increased costs from metal replacement, infrastructure repair, lost service revenue, lost wages, increased commuter costs and forgone revenue suffered by mines. This excludes the costs from copper theft outside the rail and electricity networks, including theft from telecommunication providers (Telkom and the mobile network operators), construction sites, factories, mines, general businesses, and residential properties.

2.3.2 The costs arising from the theft of steel and other metals is also serious. By way of illustration, the damage from stolen steel lattices alone was

R100 million in 2020/2021.⁴ As with cable theft, the destruction of pylons and other supports for transmission can lead to widespread loss of electricity. Railway tracks, which can also be turned to scrap and melted, are another major target. According to Business Leadership South Africa ("**BLSA**"), an association that represents the leaders of many of South Africa's largest businesses, heavy steel railway tracks are under constant attack, with more than 200 km of tracks stolen in November 2021 alone.⁵ Other major targets include streetlights, street robots, manhole covers, balustrades and railings. Furthermore, the trade of steel and other metals often provides a cover for stolen copper in terms of storage, transport, local sales, and exports.

2.3.3 Reports, including from the media, provide examples of the damage caused by metal theft. Media reports have not been relied upon to inform Government's policy proposals but are included as these reports reflect strong public interest in these matters.

2.3.3.1 In March 2022, large volumes of aluminium and copper cables which had been stolen from Eskom were found on multiple premises in the Vosman area.⁶ Towers on the line were twisted and severely damaged and the roads in the region were blocked with fallen electrical lines. The attacks caused extensive damage, loss of supply to thousands of customers and increased safety risks.

2.3.3.2 One example of a direct attack on a private company is provided by mining company Sibanye-Stillwater, which had 120 theft incidents in 2021 and recovered about 5.1 tonnes of stolen copper.⁷ So far this year, there have been 45 incidents and 3.2 tonnes recovered, with operations disrupted twice. The copper that was stripped at Sibanye's Thembelani shaft ignited a fire that quickly spread, forcing the

⁴ Trade and Industrial Policy Strategies, 2022, Measures to Prevent Theft of Scrap Metal: <http://www.thedtic.gov.za/wp-content/uploads/TIPS-Measures-to-prevent-theft-of-scrap-metal.pdf>

⁵ Business Leadership South Africa. (2022). *Cargo truck hijackings, railway lines and cable theft set back important reforms*. Available at: <https://hub.blsa.org.za/latest-news/railway-lines-cable-cargo-theft-setting-back-important-reforms/>. (Last accessed, 23 June 2022).

⁶ Sowetan Live. (2022). *Scrap dealer among 14 bust for Eskom cable theft*. Available at: <https://www.sowetanlive.co.za/news/south-africa/2022-03-11-scrap-dealer-among-14-bust-for-eskom-cable-theft/>. (Last accessed, 23 June 2022).

⁷ Fin24. (2022). *Gangs stealing cables miles underground torment SA's platinum mines*. Available at: <https://www.news24.com/fin24/companies/mining/gangs-stealing-cables-miles-underground-torment-sas-platinum-mines-20220508>. (Last accessed, 23 June 2022).

evacuation of 140 workers, and causing some personnel to suffer smoke inhalation that required treatment.

- 2.3.3.3 Transnet's regularly published cable theft statistics show that during a single week in April 2022 there were 123 attacks on South Africa's rail infrastructure, including the theft of 39.4 km of copper cable.⁸
- 2.3.3.4 Between 2017 to 2021, the length of cable annually stolen from Transnet's lines increased from 120 km to 724 km, and the number of incidents rose from over 1 500 to almost 4 500. On average, the length of cable stolen in each incident nearly tripled, from 75 metres to 200 metres.⁹
- 2.3.3.5 In February 2020, police uncovered 181 tonnes of stolen railway tracks in a Durban scrap yard.¹⁰ Numerous other incidents related to railway tracks have also been reported.¹¹
- 2.3.3.6 According to the country's largest trade union federation, the Congress of South Africa Trade Unions, *"continuous train delays due to cable theft result in hundreds of thousands of workers being late for work or not able to make it to work. This often results in docked or reduced wages for them, reduced hours and work productivity, and an overall depressing effect upon economic growth, people and communities"*.¹²
- 2.3.3.7 Criminals are sophisticated and syndicates reportedly even have their own training schools to teach newcomers the most efficient ways to

⁸ Transnet. (2022). *Weekly Report: Cable Theft Statistics*. Available at: <https://www.transnet.net/Media/vCable%20Theft%20Stats/Weekly%20Cable%20Theft%20Stats%20-%2004%20April%20-%2010%20April%202022.pdf>. (Last accessed, 23 June 2022).

⁹ Trade and Industrial Policy Strategies, 2022, Measures to Prevent Theft of Scrap Metal: <http://www.thedtic.gov.za/wp-content/uploads/TIPS-Measures-to-prevent-theft-of-scrap-metal.pdf>

¹⁰ IOL (2020). *R8m worth of stolen Transnet railway tracks discovered at Durban scrapyards*. Available at: <https://www.iol.co.za/dailynews/news/kwazulu-natal/look-r8m-worth-of-stolen-transnet-railway-tracks-discovered-at-durban-scrapyard-42442125>. (Last accessed, 30 July 2022).

¹¹ In January 2022 a gang of thieves was caught with R1 million worth of Transnet tracks. IOL (2022). *7 suspects arrested outside PMB with stolen Transnet railway tracks*. Available at: <https://www.iol.co.za/mercury/news/7-suspects-arrested-outside-pmb-with-stolen-transnet-railway-tracks-b4f4aeb8-b0ea-4bc6-8431-897a1867a7e8> (Last accessed 30 July 2022).
In September 2021, thieves were caught in Germiston with PRASA track worth R1 million, having already sold a consignment to a scrap yard. TimesLIVE (2021). *Railway thieves nabbed by Germiston police*. Available at <https://www.timeslive.co.za/news/south-africa/2021-09-23-railway-line-thieves-nabbed-by-germiston-police/>. (Last accessed, 30 July 2022).

¹² Parliamentary Monitoring Group. (2015). *Submission by COSATU on the Criminal Matters Amendment Bill 2015*. <https://pmg.org.za/files/151013COSATU.doc>. (Last accessed, 30 June 2022).

steal cables.¹³ Despite the training undertaken by metal thieves, over the last two years, City Power Johannesburg has recorded 24 deaths of suspects due to tampering with electrical infrastructure.¹⁴ And the loss of life is not limited to the thieves themselves. Two City Power security officers tasked with safeguarding copper cables were shot in April this year.¹⁵ And in January this year, an Eskom security officer was shot dead while attempting to stop a copper cable theft attack in Klipspruit.¹⁶ More generally, the theft of cable from electric infrastructure gives rise to substantial safety risks. It can leave behind live unmoored cables, including on roads, which can cause serious injuries.¹⁷

2.3.4 In summary, the society-wide costs of metal theft include:

- 2.3.4.1 The short-term economic costs from a) the need to replace stolen metal, b) the need to repair damaged infrastructure, c) the significant disruptions to South Africa's rail, electricity, and telecommunication grids and d) the direct disruptions caused to households and businesses that suffer attacks;
- 2.3.4.2 The long-term economic costs associated with decreased business confidence;
- 2.3.4.3 A reduction in South Africa's low-cost rail advantage;
- 2.3.4.4 Disrupted essential and other critical services (e.g. hospital power supply, destruction of road traffic robots);

¹³ Business Leadership South Africa. (2022). *Cargo truck hijackings, railway lines and cable theft set back important reforms*. Available at: <https://hub.blsa.org.za/latest-news/railway-lines-cable-cargo-theft-setting-back-important-reforms/>. (Last accessed, 23 June 2022).

¹⁴ News24. (2022). *City Power records 24 deaths due to electrocutions in two years*. Available at: <https://www.news24.com/citypress/news/city-power-records-24-deaths-due-to-electrocutions-in-two-years-20220126>. (Last accessed, 23 June 2022).

¹⁵ Daily Maverick. (2022). *Johannesburg's City Power under the gun as violence, vandalism and theft spirals*. Available at: <https://www.dailymaverick.co.za/article/2022-04-07-johannesburgs-city-power-under-the-gun-as-violence-vandalism-and-theft-spirals/>. (Last accessed, 23 June 2022).

¹⁶ All Africa. (2022). *South Africa: Eskom Security Officer Killed During Attempted Copper Cable Theft*. Available at: <https://allafrica.com/stories/202201190402.html>. (Last accessed, 23 June 2022).

¹⁷ Trade and Industrial Policy Strategies, 2022, *Measures to Prevent Theft of Scrap Metal*: <http://www.thedtic.gov.za/wp-content/uploads/TIPS-Measures-to-prevent-theft-of-scrap-metal.pdf>

2.3.4.5 Loss of life through a) the death of the thieves as they attempt to dismantle high-powered electrical infrastructure, b) attacks on security guards who guard infrastructure, c) explosions and exposed cables and d) increased transport-related accidents as commuters and freight shift from rail to road in response to rail disruptions arising from metals theft; and

2.3.4.6 Environmental costs arising from the need to replace damaged infrastructure, and the fact that road transport causes higher emissions than rail transport, which runs counter to South Africa's climate change mitigation commitments.

2.4 **How stolen metals are monetised**

2.4.1 Metal theft may be partially tackled with increased police enforcement, but this is not a sufficiently robust strategy for South Africa. The size and breadth of copper networks and metal infrastructure across the country means that installed metal is very difficult to guard. This is true even in developed countries, and it is especially the case in countries with limited policing, prosecutorial and court capacity. Internationally, as detailed below, numerous countries have sought to counter metal theft through a) undermining the ability for thieves to sell and monetise their stolen goods, and b) decreasing the incentive to steal metal, by lowering the payoff and increasing the legal risk involved in illicit transactions.

2.4.2 The scrap metal supply chain works as follows. First, the scrap metal is collected – or stolen from existing infrastructure – and then sold to metal recyclers who process the scrap metal into a more purified form by removing non-metal elements, separating out different kinds of metal and reducing the bulk size of the product by crushing, chopping, and shredding. The recycled product is then sold to mills which further process it into a semi-finished metal¹⁸ like ingots, billets and blooms. The semi-finished metal is, in turn, further processed (either by the same mill or a different mill) into finished metal products like bars, sheets, and wires. The finished product is sold to downstream manufacturers that use the metal to produce products that have

¹⁸ Semi-finished products are intermediate products that need further processing before becoming a finished product. They are an input for further manufacturing and include bars, billets, blooms, ingots, plates and slabs.

metal components (e.g., tools, cars, computers, construction materials and electric wires).

2.4.3 Stolen scrap metal may pass through many hands, and change form in various ways, but it is ultimately sold to mills operating in the formal economy, either locally or overseas. The mills process the scrap into new, finished metal for on-sale into formal markets. As explained above, there is a well-travelled pipeline from stolen scrap to local or foreign formal mills and it is used by criminal syndicates at great cost to the rest of society.

2.4.4 In South Africa, stolen scrap metal can be sold (monetised) in one of three basic ways:

2.4.4.1 it is exported as scrap metal;

2.4.4.2 it is melted into crude billets or ingots, or chopped, shredded or granulated, and then exported as semi-finished metal; and

2.4.4.3 it is melted into crude billets or ingots, or chopped, shredded or granulated, and then further processed into finished metals, at which point it is either exported or sold locally.

The export pathway

2.4.5 As noted above, stolen scrap metal may be exported as scrap or transformed into either semi-finished or finished metal and then exported.

2.4.6 In addition, traders often make false declarations for their exports. Copper scrap is often declared under a non-copper export HS code (e.g. steel or another metal). Moreover, scrap metal is routinely exported under a semi-finished HS code, even when the product is still in scrap form and has not been processed into semi-finished product.¹⁹ Exporters utilise this tactic to evade the more stringent conditions currently applied to scrap exports,

¹⁹ Genesis (2022) shows that the majority of “semi-finished” exports, as recorded by SARS, is likely to be scrap that has been falsely declared. South Africa’s production is not sufficient to account for the tonnage of semi-finished metal products that is exported and the balance is likely to be falsely declared scrap, a finding that is backed up by numerous stakeholders.

including the application of the price preference system²⁰ (the "**PPS**") and export duties.²¹

- 2.4.7 The export of metal provides a crucial monetisation channel for criminals, and South Africa's ports and borders are exploited in numerous ways. Accordingly, export activity of all metals is considered a high-risk trading activity. If the export channel were to be blocked or substantially restricted, it is likely to have a significant impact on the ability for thieves to monetise their stolen goods. Moreover, to the extent that legitimate scrap was prevented from leaving the country, large volumes of scrap would be diverted onto the local market. This would cause the local price of scrap to fall, which in turn would decrease the incentive to steal.

The local pathway

- 2.4.8 Tackling the *local* trade of stolen metal is also crucial.
- 2.4.8.1 First, a local channel exists for stolen metal, where stolen metal gets processed into semi-finished and finished products for sale in the local economy.
- 2.4.8.2 Second, even when stolen metal gets exported as semi-finished or finished products, it is not possible to tackle this route by prohibiting exports for extended periods without undermining the local metal industry. High grade semi-finished and finished metal exports provide crucial revenue to legitimate local milling.
- 2.4.8.3 Third, stolen metal can also be smuggled out of the country under a non-metal code, or even "under the cover of night", under no code.
- 2.4.9 Another difficulty is that low-cost smelters or shredders can currently be purchased on international markets at relatively low costs. Once scrap has been melted into billets, or chopped and shredded, the original source of the

²⁰ The price preference system for the exportation of ferrous and non-ferrous waste and scrap metal is set out in the Amended Export Control Guidelines on the Exportation of Ferrous and Non-Ferrous Waste and Scrap as published in Notice No. 532, Government Gazette No. 43765 of 2 October 2020 as amended from time to time. The PPS provides that ITAC will not permit the exportation of ferrous and non-ferrous waste and scrap unless it has first been offered for sale for domestic beneficiation to the domestic consuming industry at a price discount to an international benchmark price and on the further terms as set out in the guidelines.

²¹ Export duty on waste and scrap metal is set out in Schedule No. 1 Part 6 to the Customs and Excise Act No. 91 of 1964.

metal cannot be identified. Thieves and syndicates can then operate "in the open": *openly* storing, trucking, and coordinating the buying and selling of shredded/melted metal both locally and across the border.

Implication of monetisation pathways for theft mitigation

- 2.4.10 It follows from the above discussion that in order to undermine the ability and incentive to steal metal, both the export and domestic monetisation pathways for stolen metal need to be addressed.

The need to protect the legitimate domestic use of scrap metal

- 2.4.11 Scrap metal which is lawfully acquired is crucial to the domestic metal supply chain. It is significantly cheaper to use compared to mined ore, and it is much more environmentally friendly. In South Africa, according to the Genesis research, over 50% of local steel production is based exclusively on scrap. Moreover, the other 50% of production includes both ore *and* scrap as adding scrap makes the overall smelting operation more efficient.

- 2.4.12 Increasing the use of scrap metal in production reduces its carbon-intensity. South Africa, by virtue of its accession to the Paris Climate Agreement, has confirmed its intention to reduce greenhouse gas emissions by 2050. Increasing the use of scrap metal by domestic ferrous and non-ferrous metal producers is therefore an important climate change mitigation policy objective.

2.5 International responses to metals theft

- 2.5.1 It is apparent that metals theft is a global problem and that foreign authorities have responded to this problem in various ways, including (a) prohibiting the use of cash in scrap metal transactions, (b) mandating video recording of transactions, (c) prohibiting exports, (d) strict licensing, and (e) placing a complete prohibition on all scrap transactions.
- 2.5.2 Several countries, including members of BRICS²² (India and Russia) and other African countries, have enacted barriers to the trade of waste and scrap containing ferrous and non-ferrous metals. According to a database

²² Brazil, Russia, India, China and South Africa.

maintained by the Organisation for Economic Cooperation and Development (OECD):

- 2.5.2.1 Nine countries had formally prohibited copper scrap exports by 2020 (Ghana, Kenya, Rwanda, Madagascar, Argentina, Guatemala, Jamaica, Kazakhstan and Tajikistan);
- 2.5.2.2 Seventeen countries had instituted quotas or licensing requirements, including countries such as Indonesia, Turkey, Colombia, Mexico and a number of African countries; and
- 2.5.2.3 Thirteen countries imposed taxes.²³
- 2.5.3 In addition, various jurisdictions have prohibited the use of cash for certain (or all) scrap metal transactions. This includes Alberta (Canada),²⁴ the UK,²⁵ Victoria (Australia),²⁶ and Minnesota (USA).²⁷
- 2.5.4 Kenya recently imposed a full prohibition on all trade in scrap metal. In 2010, Kenya implemented an export prohibition on scrap metal that was formalised into law in 2015. However, this was insufficient to stop the increase in metal theft. In 2022, The Kenyan Government implemented a full prohibition on the trade of all scrap metal, which was only relaxed after the Government had created a new trading regime which includes a host of local restrictions and licensing requirements.

Rationale for proposed interventions

- 2.6 As indicated above, it is envisaged that the various proposed interventions would be introduced over time and in three broad phases. These phases are described under the next heading. Prior to doing so, we briefly set out the core pillars of the proposed new regime, highlighting their rationale.

²³ Trade and Industrial Policy Strategies, 2022, Measures to Prevent Theft of Scrap Metal: <http://www.thedtic.gov.za/wp-content/uploads/TIPS-Measures-to-prevent-theft-of-scrap-metal.pdf>

²⁴ Alberta. (2020). Scrap Metal Transactions. Available at: <https://www.alberta.ca/scrap-metal-transactions.aspx>. (Last accessed, 14 March 2022).

²⁵ UK Scrap Metal Dealers Act (2013).

²⁶ Future Recycling. (2018). Cash for Scrap Metal Banned. Available at: <https://www.futurerecycling.com.au/cash-for-scrap-metal-banned> (Last accessed, 14 March 2022).

²⁷ Minnesota Statutes. (2021). Dealers in Scrap Metal: Records; Reports and Registration. Available at: <https://www.revisor.mn.gov/statutes/cite/325E.21> (last accessed, 14 March 2022).

- 2.6.1 *Enhanced registration conditions for dealers in scrap and semi-finished metals.* The conditions required to secure and retain a registration to deal in scrap and semi-finished metal will be made stricter. Currently, the Second-Hand Goods Act requires dealers in second-hand goods, including scrap metal, to be registered. However, the conditions for registration are modest and place an obligation mostly on the scrap metal industry to self-regulate. In the proposed new regime, scrap dealers will: have to prove tax compliance and be required to pay an increased, annual registration fee. There will also be stringent, monthly reporting obligations that go further than the record-keeping obligations that currently apply in terms of the regulations made under the Second-Hand Goods Act. These interventions will lead to a formalisation of the metal trading industry whereby only legally-compliant businesses whose buy and sell transactions are traceable will be able to legally trade in scrap and semi-finished metal products.
- 2.6.2 *Enforcement of the registration requirement for sellers of scrap and semi-finished metals.* Although sellers of scrap metal fall within the ambit of the Second-Hand Goods Act,²⁸ persons who sell, but do not buy, scrap metal are not, in practice, currently required to register. In light of the grave impact of scrap metal theft, the Government intends to enforce the requirement for sellers of scrap metal to register and to otherwise comply with the Second-Hand Goods Act and its regulations. This will facilitate the regulation of the scrap metal trade at its source and promote more effective regulation throughout the metal supply chain.
- 2.6.3 *Input-output reporting.* All registered buyers and sellers will be required to submit monthly reports to a centralised data portal. The reports will consist of a purchase table and a sale table. The input/output reporting framework will allow enforcement authorities to quickly identify anomalies which deserve further investigation. Anomalies might include a divergence between tonnes sold and purchased, a sudden large increase in purchases or sales, or a purchase of copper or semi-finished product from an unregistered seller. The introduction of a prohibition on cash transactions,

²⁸ See the definition of “scrap metal dealer” in section 1 of the Second-Hand Goods Act: “a person who carries on a business that consists wholly or partly of the buying or selling of scrap metal” (emphasis added).

detailed below, will mean that investigators can use bank records to check that the buyer or seller's input/output reporting has been accurate.

- 2.6.4 *Tight restrictions on who can sell copper scrap and semi-finished copper metal.* For copper, a case can be made for prohibiting its trade completely. The Genesis research suggests that if a complete ban on copper trading and exports successfully eliminated copper theft, the economic savings would outweigh the economic loss from eliminating the copper milling industry in its entirety. A prohibition on copper trading is not being proposed, but the activity has been identified as particularly high risk and, accordingly, the proposed regulatory regime is intended to be strictest on the copper (and copper alloys) category. In particular, it is envisaged that copper sellers will be limited to businesses that either (a) produce scrap as a by-product of their normal operations (e.g. off cuts and used infrastructure) or (b) are traders and semi-finished producers that are up to date with their reporting requirements and which reporting shows that they only purchase from business falling within (a) and/or (b). This, together with the reporting requirements, will significantly reduce the number of registered dealers which purchase stolen copper.
- 2.6.5 *Restrictions on the import of furnaces and scrap transformation machines.* Furnaces and scrap transformation machines are used by criminal syndicates to transform stolen metal and to render it unidentifiable. Undermining their ability to engage in this practice will help to further reduce their ability to monetise illicit metal. The expert advice received by the Government was that the import of small induction furnaces and similar machines should be permanently prohibited. However, a less intrusive measure is considered to be more suitable, i.e. the introduction of an import permit system for these machines.
- 2.6.6 *Enhanced border control.* To reduce the extent to which exports are used to monetise stolen metal, significant restrictions will be introduced. These include (a) a temporary prohibition of scrap exports followed by the introduction of an enhanced permit system, (b) the creation of a permit system for the export of semi-finished metal and (c) a limitation on the number of ports that may be used to export scrap and semi-finished metal. These restrictions will reduce the extent to which the export channel can be used to monetise stolen metal by (a) initially blocking all scrap exports,

thereby providing the Government with the time to implement the other features of the new regime, (b) reducing the number of businesses that can legitimately export scrap and semi-finished metals, (c) ensuring that all businesses that do export are subject to stringent transaction reporting, (d) ensuring that metal exports are sourced from registered sellers and (e) ensuring that limited technical inspection capacity is concentrated in the three identified ports.

- 2.6.7 *Prohibiting the use of cash.* The proposed interventions include a prohibition on the use of cash in any transactions involving scrap or semi-finished metal. Instead, only Electronic Fund Transfers (EFT) or similar services which allow traceability, will be allowed. This will significantly improve monitoring and enforcement as audits and investigations will be able to identify the source of supply in local metal transactions. If buyers are in possession of metal that is not backed up by an EFT (or similar service), the buyer will be subject to censure including through potential deregistration.

3. PROPOSED POLICY MEASURES

Government is considering implementing various interventions in what may broadly be described as a three-phased approach. In this section, the three proposed phases are described. As stated above, the phases will, in practice, overlap. In addition, if an intervention cannot be introduced in a particular phase for legal or other reasons, it is envisaged that it will move to a subsequent phase. Further, the rules relating to different product types (e.g., scrap and semi-finished) might be introduced at different points within each phase.

3.1 Phase 1:

Temporary export prohibition on scrap metal

- 3.1.1 *Six-month export prohibition.* It is proposed that there will be a temporary six (6) month prohibition on exports of all ferrous and non-ferrous waste²⁹ and

²⁹ Waste refers to materials that are not prime products (i.e. products produced for the market) and are intended to be discarded or are required to be discarded. Waste may be generated during the extraction of raw materials, during the processing of raw materials to intermediate and final products, during the consumption of final products, and during any other human activity. Waste does not include residuals directly recycled or reused at the place of generation (i.e. establishment) or waste materials that are directly discharged into ambient water or air. See <https://www.oecd-ilibrary.org/sites/5ab8c6da-en/index.html?itemId=/content/component/5ab8c6da-en>.

scrap metal,³⁰ save where: (a) an export permit has been issued prior to the date of publication of the applicable directives and notices; or (b) an export permit is issued after that date in circumstances in which the application for that permit was lodged prior to that date. The temporary export prohibition would be introduced through a notice and trade policy directive published in terms of the ITA Act (a draft of which is to be published together with this Draft Policy).

3.1.2 *Expanded definition of waste and scrap metal.* Chopped, shredded, or granulated metal products, which do not require smelting, are intended to be treated as waste or scrap metal (as opposed to semi-finished metal) for purposes of the export prohibition. Additionally, new tariff codes for waste, scrap metal and semi-processed metal products may be required to enable appropriate enforcement and monitoring.

3.1.3 *Temporary suspension of PPS.* So long as the export prohibition on waste and scrap metal is in place, the PPS would be suspended, except insofar as exports are permitted as envisaged in the proviso in paragraph 3.1.1 above. Once the temporary export prohibition is lifted, the PPS will continue to apply in relation to exports of all ferrous and non-ferrous waste and scrap metal.

Permit system for the export of semi-finished metal products

3.1.4 *Export permit control.* It is envisaged that a permit system will apply to the export of all ferrous and non-ferrous semi-finished goods. This will require amendments to Government Notice R92 published in *Government Gazette* 35007 of 10 February 2012 (a draft of which is published together with this Draft Policy).

3.1.5 Genesis proposed that the temporary export prohibition should include semi-finished metals products, given that its analysis indicates that stolen scrap is converted into semi-finished metal and then exported. The Government is, however, concerned about the impact of introducing such a wide-ranging prohibition at this stage and rather proposes to adopt the less restrictive

³⁰ Scrap metal includes any used, broken, worn out, defaced or partly manufactured goods made wholly or partly of non-ferrous or ferrous metal, lead or zinc or any substance of metallic waste or dye made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides. See section 1 of the Second-Hand Goods Act No. 6 of 2009.

measure of introducing and requiring an export permit regime for semi-finished metal.

- 3.1.6 Another option that Government is considering is to limit eligibility for export permits for semi-finished metal products to businesses that manufacture semi-finished products.

Permit system for the import of furnaces and other scrap transformation machines

- 3.1.7 *Import permit control.* An import permit system is proposed in terms of the ITA Act on devices used to change the form of scrap metals (small furnaces and ovens for the roasting or other heat-treatment of ores, pyrites or of metals as well as granulators, guillotines, shredders and other devices which can be used to smelt or change the form of waste or scrap metal into semi-finished metal products). This will require amendments to Government Notice R91 published in *Government Gazette* 35007 of 10 February 2012 (a draft of which is published together with this Draft Policy).

- 3.1.8 *Enforcement in respect of imported furnaces and other machines.* It is envisaged that the International Trade Administration Commission ("ITAC") and law enforcement authorities will undertake unannounced inspections to verify that the furnace or other devices are not being used to transform stolen metals.

Coordinating task force

- 3.1.9 *Metal Trade Task Force.* A Metal Trade Task Force ("MTTF") has been created to work with the SAPS' Specialised Multi-disciplinary Economic Infrastructure Task Teams (EITTS) to plan, implement and monitor inter-agency efforts to eradicate theft and damage of infrastructure which is incentivised by scrap metal domestic trade and exports. In addition, it is intended to create a centralised repository for monitoring crimes linked to metal theft from critical public infrastructure.

3.2 Phase 2:

Amendment of the regulations under the Second-Hand Goods Act

3.2.1 It is envisaged that the Minister of Police will amend the regulations made under the Second-Hand Goods Act so as to impose more rigorous regulations in respect of dealing in scrap and semi-finished metals and to strengthen reporting requirements for metal dealers and recyclers. To the extent necessary, amendments to regulations under other legislation may also be made.

3.2.2 The following changes are being considered.

3.2.2.1 *Enforcement of the registration regime for scrap metal sellers.* As noted above, while the Second-Hand Goods Act contemplates that both buyers and sellers of scrap metal are required to be registered, this requirement is currently being enforced against buyers but not sellers. Going forward, the Government intends to enforce the requirement that scrap metal sellers are subject to the registration regime envisaged in the Second-Hand Goods Act.

3.2.2.2 *Enhanced registration requirements.* Registration as scrap metal buyers and sellers will only be granted to businesses that have a satisfactory Tax Compliance Status (TCS). A new registration fee will be introduced that will be reflective of the costs of administration and enforcement to combat theft in the metal industry. The registration fee might also be set at a level aimed at ensuring that "fly-by-night" operators are discouraged from registering to buy and sell scrap metal. The registration fee for copper (and copper alloys) may be higher than the fee for other scrap metal products given the particularly dire nature of copper theft and its impact and thus the need for greater levels of inspection and enforcement of trade in copper and copper alloys.

3.2.2.3 *Enhanced reporting requirements.* An input-output reporting system will be introduced that will be used both for purposes of compliance monitoring under the Second-Hands Goods Act and for monitoring exports of scrap metal and semi-finished products. The reporting system will require businesses to submit monthly electronic reports to both SAPS and ITAC, showing all purchases and sales of metal

products (scrap, semi-finished and finished) by volume and value. The reports will *inter alia* contain the following information.

- 3.2.2.3.1 *Purchases table.* Each row of the table will show a different purchase. The row will show a) the date of purchase, b) the type of metal purchased, c) the grade of metal purchased, d) the tonnage purchased, f) the total cost of the purchase, g) the business registration number of the seller, or in the case of an individual seller, the identity number of the individual, and h) any additional fields that may be required to secure the objective of input-output reporting.
- 3.2.2.3.2 *Sales table.* Each row of the table will show a different sale. The row will show a) the date of sale, b) the type of metal sold, c) the grade of metal sold, d) the tonnage sold, e) the total revenue of the sale, f) the business registration number of the buyer, g) in the case of an export sale, the Unique Consignment Reference (UCR), and h) any additional fields that may be required to secure the objective of input-output reporting.
- 3.2.2.4 In order to minimise the reporting burden for players in the metals sector, Government will endeavour to implement a single monthly reporting system which multiple departments or entities can utilise. This will ensure that enterprises are not required to provide different monthly reports to the SAPS and ITAC, through the use of a single-window application (SWA). These reports will be used to identify high-risk transactions and suspicious transactions and will assist the SAPS in law enforcement activities.
- 3.2.2.5 *Inclusion of semi-finished metals in the registration regime.* While semi-finished metal products fall within the scope of application of the Second-Hand Goods Act,³¹ buyers (and sellers) of semi-finished products are not currently registered. The Government will thus take steps to ensure that these businesses are registered.

³¹ Section 1 of the Second-Hand Goods Act defines “*scrap metal*” as including “*any used, broken, worn out, defaced or partly manufactured goods made wholly or partly of non-ferrous or ferrous metal, lead or zinc or any substance of metallic waste or dye made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides*” (emphasis added).

- 3.2.2.6 *Additional restrictions on who can sell copper scrap and semi-finished copper.* It is envisaged that registered copper sellers will be limited to businesses that either (a) produce scrap as a by-product of their normal operations (e.g. off cuts and used infrastructure) or (b) are traders and semi-finished producers that are up to date with their reporting requirements and which reporting shows that they only purchase from business falling within (a) and/or (b).
- 3.2.2.7 *Requirement for registered buyers to only purchase copper scrap and semi-finished copper from registered sellers.* The Government is also considering imposing a requirement that registered buyers may only purchase scrap or semi-finished copper products from registered sellers of such products. The effect of this would be that all sales of scrap and semi-finished copper (even by those persons who do not carry on the business of dealing in scrap or semi-finished metals) will be prohibited other than between registered entities or persons.

Implementation of permit system for scrap exports

- 3.2.3 *Implementation of permit system for scrap exports.* After the six (6) month prohibition of scrap exports comes to an end, a permit system will be applied to the export of scrap metals, so long as sufficient progress has been made in the implementation of the various phase 2 interventions. This permit system will include the application of the PPS.
- 3.2.4 *The potential extension of the temporary export prohibition on scrap and waste metal.* If sufficient progress has not been made in the implementation of the phase 2 interventions and/or the extent of scrap metal theft has not been sufficiently reduced, the temporary export prohibition may be extended. The other option that government might adopt is to extend the export prohibition only for certain types of scrap and waste (e.g. copper).

Continuation of permit system for the export of semi-finished metal

- 3.2.5 *Semi-finished export restrictions.* It is envisaged that the permit system for semi-finished metal products will continue into phase 2.

Restrictions on ports and land borders

- 3.2.6 *Ports:* To assist the South African Revenue Service ("**SARS**") in monitoring and enforcing these export restrictions, consideration is being given to confining exports of waste and scrap metal and semi-finished products metal products to three or all of the following ports, namely Durban, Cape Town, Johannesburg and Ngqura (when the prohibition is lifted and controls are in place).
- 3.2.6.1 Comments received in response to the notice published by ITAC in December 2015 requesting public comment on proposed amendments to the PPS, including the limitation of export ports to only one designated port, namely the Port of Gqeberha, have been taken into consideration, especially the extra burden on industries not located close to this port.
- 3.2.6.2 Following consideration of the previous comments, the Government considers that, while it would be appropriate to limit exports of waste, scrap and semi-finished metals to three or four (rather than one) ports, the benefits of the limitation on the number of exporting ports (to three or four) outweigh the costs, particularly in circumstances in which over 96% (in value) of the country's waste and scrap metal exports currently take place through Durban, Cape Town and Johannesburg
- 3.2.6.3 The limitation of ports for exports of products from the metal sector will enable authorities to be able to use their limited monitoring and enforcement resources more effectively and with more impact. In particular, law and customs enforcement authorities will be able to dedicate increased resources to the designated export ports so as to ensure that scrap and semi-finished metal products are not exported unlawfully.
- 3.2.7 *Land borders.* Given that current data does not indicate significant use of land borders for export of scrap metal, it is not proposed to include them as permitted exit points for exports. Government nonetheless seeks public comment on the necessity of including land borders and, if so justified, restricting the export of waste, scrap and semi-finished metals across the

country's land borders to specific border crossings, which will be determined following consideration by the dtic, SARS, ITAC, SAPS and the MTTF.

Policy coordination, alignment and enhanced cooperation

3.2.8 *Policy coordination between countries in regional bodies.* Government will enhance co-operation with SADC, SACU and the AU to avoid scrap metal syndicates relocating to neighbouring countries to circumvent South African restrictions.

3.2.8.1 Government understands that criminals and criminal syndicates may attempt to circumvent the more onerous registration system by, *inter alia*, smuggling stolen metals out of the country including via illegal land border crossings. This would undermine the policy proposals being considered and may lead to continued theft of metals from public and other infrastructure. Government will therefore be engaging with all relevant regional and continental structures to encourage heightened vigilance at land border posts and crossings.

3.2.8.2 In addition to avoiding circumvention of South Africa's policy measures, other African states are likely to face similar risks to their public infrastructure. For example, Kenya prohibited trade in scrap metal in January 2022 after vandalism and theft of transmission lines, road and critical rail infrastructure. Government will share its approach to regulating metal trade with other African states and seek to develop coordinated and aligned policy measures via participation in SACU, SADC, and the AU structures.

3.3 Phase 3:

3.3.1 This phase envisages potential amendments to the Second-Hand Goods Act and related legislation as well as the possible introduction of a new dedicated metal trading statute to further strengthen the fight against metal theft and damage to infrastructure. The latter statute may include a comprehensive licensing system for buyers and sellers of scrap and other metal products, which would replace the registration system provided for in the Second-Hand Goods Act.

3.3.2 Given the length of time required to make amendments to legislation or to pass new legislation, even where such legislation is progressed on an expedited basis, these interventions can only be implemented in the third phase.

3.3.3 To the extent that any phase 2 intervention cannot be implemented in that phase because amendments to primary legislation (i.e. Acts of Parliament) are required as opposed to amendments to subordinate legislation (e.g. regulations), they will be implemented in phase 3. Additional legislative measures under consideration for phase 3 include the following:

Prohibition on the Use of Cash in Scrap Metal Transactions

3.3.3.1 As noted in the Budget Review 2022, the Government is contemplating additional anti-money-laundering measures, including customer due diligence, recording of Finance Intelligence Centre Act No. 38 of 2011 information for all buyers and sellers of waste and scrap metals and semi-finished metal products, and the prohibition of cash transactions for all scrap and semi-finished metal trade. All waste, scrap and semi-finished metal trades would be required to be concluded electronically, for example through electronic fund transfers (EFT) or innovative digital payments solutions that allows for track and traceability. This will significantly improve monitoring and enforcement as verification and investigations will be able to identify the source of supply in metal transactions.

3.3.3.2 If buyers or sellers are found in possession of waste, scrap and semi-finished metal products that are not backed up by an EFT (or similar) record, the buyer or seller will be subject to sanctions, including the potential withdrawal of their registration.

Blacklisting of offenders

3.3.3.3 Government will consider implementing a system in terms of which persons who are found to have committed an offence in relation to metal theft or to have contravened the metals trading regulatory regime will not be eligible for government contracts. This may include blacklisting persons who manage or control an entity that is found to

have committed such an offence or to have contravened the regulatory regime.

4. ANTICIPATED IMPACT

The Government is in the process of considering the anticipated impacts of the regulatory measures outlined in this document. These anticipated impacts include the following:

- 4.1 The temporary prohibition on exports of waste and scrap metal, and the creation of a permit system for the export of semi-finished metal, in phase 1 is likely to lead to a material reduction in the theft of metal from the country's infrastructure, including its energy and transport infrastructure, which will have significant benefits to the South African economy. It is anticipated that the prohibition and permit system will achieve this aim by eliminating (or reducing) one of the avenues for monetising stolen metal (i.e. its exportation).
- 4.2 In addition, because these interventions will divert significant volumes of scrap metal to the local market, they will lead to lower scrap metal prices which is likely, in turn, to disincentive metal theft.
- 4.3 It appears that a temporary prohibition on the export of waste and scrap metal would not have a significant negative impact on legitimate local upstream collectors and recyclers as the volumes of waste and scrap that are currently legally exported can be sold locally. It is also worth noting that the temporary (two-month) prohibition on the export of scrap metal which was introduced in 2020 in response to the COVID pandemic and the resultant lockdown, did not cause serious harm.
- 4.4 The enhanced regulation of domestic trading envisaged in phases 2 and 3, will further bolster the country's fight against metal theft. The core domestic policy moves include a) the enhanced registration conditions for metal traders, b) the enforcement of the registration requirement in respect of sellers, c) the enforcement of the registration requirements on dealers in semi-finished metals, d) input-output reporting requirements, e) the requirement for registered buyers to only purchase copper scrap and semi-finished copper from registered sellers, and

f) the prohibition on the use of cash in all transactions involving scrap and semi-finished metals.

- 4.5 These interventions will lead to a formalisation of the metal trading industry whereby only legally-compliant and transactionally transparent businesses will be able to legally trade in scrap and semi-finished metal products. This will in turn enable closer monitoring of the physical movement of these products, and more targeted enforcement activities, thereby significantly increasing the risks of dealing in stolen goods.
- 4.6 Criminals and criminal syndicates will face increased risk of arrest as anyone in possession of waste, scrap or semi-finished metal will be required to present the appropriate registration certificate. Thieves will no longer be able to openly coordinate in the trade and movement of stolen metal, just because the material has been shredded or melted. For licensed buyers, the incentive and ability to knowingly purchase stolen goods, or to 'turn a blind eye', will be greatly reduced. The potential consequences for violating a registration condition will include arrest, prosecution and the cancellation of one's registration. This will reduce the opportunity to 'whitewash' stolen scrap into legitimate, formal value-chains.
- 4.7 The proposed regulatory measures, including the licensing regime, will allow legitimate, lawful metal collection, recycling, production, export and import to continue but within the constraints of a regulated environment aimed at combatting illicit trade in stolen metal.
- 4.8 Informal collectors could potentially lose the ability to collect and sell waste and scrap metal as they are unlikely to be in a position to meet the registration requirements (including the payment of registration fees). However, this impact is mitigated by the availability of multiple, alternative revenue streams for informal collectors in respect of other recyclable items such as glass, plastic and paper (particularly in circumstances in which more and more products are subject to recycling and reuse requirements).
- 4.9 More generally, it is expected that the regulatory interventions will lead to a consolidation among scrap metal traders, with informal traders encouraged to

formalise their business activities (or to be employed by scrap metal collection enterprises).

- 4.10 The consolidation of scrap feedstock supply is likely to result in some reduction in the domestic supply of scrap. However, the export restrictions (i.e. the temporary export prohibition and the extension of the export permit system) are likely to divert substantial volumes of scrap back onto the domestic market, offsetting the impact of domestic consolidation. Thus, despite imposing strict trading regulations, the net result of the new trading regime might be that the scrap supply to local industries such as mills and foundries would increase. In any event, given the magnitude of South Africa's metal theft problem, it appears that any negative impact on the local supply of scrap is more than outweighed by the benefits to society through the reduction in the theft of, and the severe damage to, public and other infrastructure, the saving of lives and the positive benefits to the economy.
- 4.11 The impact on scrap feedstock supply will be closely monitored by the MTTF, especially in the case of copper, where tighter restrictions will apply to domestic trading.
- 4.12 In order to ensure that the export prohibition, and the other envisaged regulatory measures, are effective, Government will need to allocate significant resources to administration and enforcement of these measures. For example, a prohibition on exports will only be effective with strong monitoring and enforcement at ports, while a licensing regime requires the allocation of administrative resources. This will have financial implications for the fiscus, but this financial impact is anticipated to be more than outweighed by the economic benefits flowing from the regulatory measures.

-ENDS-

HANDEL, NYWERHEID EN KOMPETISIE, DEPARTEMENT VAN

NOTICE 1206 OF 2022

STANDARDS ACT, 2008
STANDARDS MATTERS

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

SECTION A: DRAFTS FOR COMMENTS

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title, scope and purport	Closing Date
SANS 13408-6 Ed 1	<i>Aseptic processing of healthcare products Part 6: Isolator systems.</i> Specifies the requirements for and provides guidance on the specification, selection, qualification, bio-decontamination, validation, operation and control of isolator systems related to aseptic processing of health care products and processing of cell-based health care products.	2022-09-19
SANS 56005 Ed 1	<i>Innovation management — Tools and methods for intellectual property management — Guidance.</i> Proposes guidelines for supporting the role of IP within innovation management. It aims to address the following issues concerning IP management at strategic and operational levels: creating an IP strategy to support innovation in an organization, establishing systematic IP management within the innovation processes, applying consistent IP tools and methods in support of efficient IP management.	2022-09-19
SANS 62133-2 Ed 1	<i>Secondary cells and batteries containing alkaline or other non-acid electrolytes — Safety requirements for portable sealed secondary cells, and for batteries made from them, for use in portable applications Part 2: Lithium systems.</i> Specifies requirements and tests for the safe operation of portable sealed secondary lithium cells and batteries containing non-acid electrolyte, under intended use and reasonably foreseeable misuse.	2022-09-19
SANS 475 Ed 2	<i>Luminaires for interior lighting, streetlighting and floodlighting — Performance requirements.</i> Covers the performance requirements for interior lighting, streetlighting and flood-lighting luminaires for a) operation with fluorescent lamps, induction lamps, low-pressure sodium vapour lamps, high-intensity discharge lamps or LED light sources; b) use on A.C. supply voltages with a frequency of 50 Hz; and c) operation at ambient temperatures of 0 °C to 40 °C.	2022-09-26
SANS 60730-2-7 Ed 3	<i>Automatic electrical controls Part 2-7: Particular requirements for timers and time switches.</i> Applies to timers and time switches that may use electricity, gas, oil, solid fuel, solar thermal energy, etc. or a combination thereof, including heating, air conditioning and similar applications.	2022-09-26

SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

Draft Standard No. and Edition	Title	Scope of amendment	Closing Date
SANS 1152 Ed 1.4	<i>Metal-working chisels for hand use.</i>	Amended to delete the appendix on notes to purchasers.	2022-09-19
SANS 1219 Ed 1.6	<i>Hand hacksaw blades.</i>	Amended to delete the appendix on notes to purchasers.	2022-09-19

SANS 1027 Ed 1.3	<i>Woodworkers' vices.</i>	Amended to delete the appendix on notes to purchasers.	2022-09-19
SANS 305 Ed 1.2	<i>Winged infusion sets (sterile-packed for single use).</i>	Amended to delete a referenced standard	2022-09-19
SANS 1175 Ed 1.2	<i>High speed steel slitting saws.</i>	Amended to delete the appendix on notes to purchasers.	2022-09-19
SANS 11167 Ed 3.1	<i>Textiles — Dimensional stability during domestic washing and drying procedures.</i>	Amended to delete notes to purchasers.	2022-09-21
SANS 346 Ed 5.3	<i>Woven worsted fabrics.</i>	Amended to delete notes to purchasers.	2022-09-21
SANS 1258 Ed 1.1	<i>Processed and low-flammable polyester canvas.</i>	Amended to delete notes to purchasers	2022-09-21
SANS 1234 Ed 1.1	<i>Unproofed core-spun ducks.</i>	Amended to delete the annex on notes to purchasers.	2022-09-21
SANS 761 Ed 2.3	<i>Plumage fillings.</i>	Amended to delete notes to purchasers.	2022-09-21
SANS 60811-501 Ed 1.1	<i>Electric and optical fibre cables — Test methods for non-metallic materials Part 501: Mechanical tests — Tests for determining the mechanical properties of insulating and sheathing compounds.</i>	Amended to update the requirements on test methods.	2022-09-27
SANS 3001-BT12 Ed 1.1	<i>Civil engineering test methods Part BT12: Determination of the in situ permeability of a bituminous surfacing (Marvil test).</i>	Amended to update referenced standards..	2022-09-06
SANS 3001-GR58 Ed 1.1	<i>Civil engineering test methods Part GR58: Determination of the cement or lime content of stabilized materials by means of the back-titration (acid base) method.</i>	Amended to update the introduction, delete reference standards , add testing water quality requirements and to update the clause on procedure.	2022-09-27
SANS 1406 Ed 3.1	<i>Commercial refrigerated food display cabinets.</i>	Delete the annex on notes to purchasers.	2022-09-27

SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS

SCHEDULE B.1: NEW STANDARDS

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 24773-1:2022 Ed 1	<i>Software and systems engineering — Certification of software and systems engineering professionals Part 1: General requirements.</i> Contains the requirements which will be common to all other parts of the ISO/IEC 24773 series, for certifications (schemes and bodies) in the domain of software and systems engineering.

SCHEDULE B.2: AMENDED STANDARDS

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 181:2022 Ed 4.1	<i>Thermostatic controls for electric storage water heaters. Consolidated edition incorporating amendment No.1.</i> Amended to update referenced standards and to update the table on maximum manufacturing deviation, drift and differential change.
SANS 60079-29-1:2022 Ed 2.1	<i>Explosive atmospheres Part 29-1: Gas detectors — Performance requirements of detectors for flammable gases. Consolidated edition incorporating amendment No.1.</i> Included to clarify whether propane or butane required tests are of only calibration and adjustment (5.4.5), short-term stability (5.4.4.2), and time of response (5.4.15).

SCHEDULE B.3: WITHDRAWN STANDARDS

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 1400:2013 Ed 3.1	<i>Equipment (including oculars) for eye, face and neck protection against non-ionizing radiation arising during welding and similar operations — Welding helmets, hand shields, goggles and welding spectacles.</i>

SCHEDULE B4: ESTABLISHMENT OF TECHNICAL COMMITTEES

Committee No.	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to Dsscomments@sabs.co.za for more information.

SCHEDULE 5: ADDRESS OF THE SOUTH AFRICAN BUREAU OF STANDARDS HEAD OFFICE

Copies of the standards mentioned in this notice can be obtained from the Head Office of the South African Bureau of Standards at 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.

DEPARTMENT OF TRADITIONAL AFFAIRS**NOTICE 1207 OF 2022****INVITATION TO NOMINATE PERSONS TO BE CONSIDERED AS MEMBER OF COMMISSION ON KHOI-SAN MATTERS**

In terms of section 52(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) the public is hereby invited to nominate persons who may be considered for appointment as a member of the Commission on Khoi-San Matters.

Kindly refer to the more comprehensive invitation attached to this notice.

Please note that the closing date and time for nominations to be submitted is Friday, 16 September 2022, at 12:00.



MINISTRY
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

INVITATION TO NOMINATE PERSONS TO BE CONSIDERED AS MEMBER OF THE COMMISSION ON KHOI-SAN MATTERS

The Minister for Cooperative Governance and Traditional Affairs, in accordance with section 52(1)(a) of the Traditional and Khoi-San Leadership Act, 2019 (Act No. 3 of 2019) (the Act), hereby invites the public to nominate persons who may be considered for appointment as a member of the Commission on Khoi-San Matters.

Section 51 of the Act provides for the establishment of the Commission on Khoi-San Matters (Commission). The main purpose of this Commission is to assist government with the recognition process of Khoi-San communities and leaders. The Commission must investigate applications for recognition of Khoi-San communities and leaders, and make recommendations in this regard to the national Minister responsible for traditional and Khoi-San leadership.

The Commission was established with effect from 1 September 2021 for a period of five years. The Commission currently consists of a chairperson, deputy chairperson and two other members. To enhance the capacity of the Commission, it is the intention to appoint one additional member. This member will serve on a full-time basis for the remainder of the term of the Commission, subject to a decision of the Minister.

Members of the Commission must be South African citizens and must collectively represent a pool of knowledge concerning issues relevant to Khoi-San groupings. Section 52(1)(b) of the Act furthermore requires of the members of the Commission to have qualifications or experience in, or knowledge appropriate to, —

- (a) anthropology;
- (b) the history relating to the Khoi-San;
- (c) the customary law and customs and the institutions of Khoi-San leadership; or
- (d) the law.

Fluency in Afrikaans will be an added advantage.

Kindly note that nominations must include the following: —

- (a) A completed nomination form. The form can be requested from RinaldiB@cogta.gov.za; TrishaR@cogta.gov.za; or Danie@cogta.gov.za or can be obtained from Ms Lorato Motlhala (Office 211E), Pencardia 1, 509 Pretorius Street, Arcadia, Pretoria.
- (b) A comprehensive *Curriculum Vitae* of the nominee.
- (c) A detailed indication (accompanied by evidence) of how such nominee meets the requirements of section 52(1)(b) of the Act.
- (d) A signed letter of acceptance by the nominee. (Before accepting a nomination, nominees are advised to familiarise themselves with the content of the Act, in particular those provisions relating to the recognition of Khoi-San communities and leaders, and the provisions relating to the Commission.)
- (e) A clear indication of whether the nominee is eligible for possible recognition as a Khoi-San leader or is a member of a community which may apply for possible recognition as a Khoi-San community. It should be noted that no such person may serve on the Commission.

Members of the Commission are appointed in their own right and not as representatives of specific Khoi-San groupings, communities, organisations or constituents.

The closing date and time for nominations to be submitted is Friday, 16 September 2022, at 12:00.

All nominations must be accompanied by the required documentation. Kindly note that incomplete or late nominations will not be considered.

Nominations must be e-mailed to LoratoM@cogta.gov.za, or must be delivered by hand to Ms Lorato Motlhala (Office 211E), Pencardia 1, 509 Pretorius Street, Arcadia, Pretoria.

Once the appointment process has been completed, the name of the member will be published in the *Government Gazette*.



MINISTRY
COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
REPUBLIC OF SOUTH AFRICA

UITNODIGING OM PERSONE TE NOMINEER VIR OORWEGING AS LID VAN DIE KOMMISSIE OOR KHOI-SAN AANGELEENTHEDE

Ingevolge artikel 52(1)(a) van die Wet op Tradisionele en Khoi-San-leierskap, 2019 (Wet No. 3 van 2019) (die Wet), nooi die Minister van Samewerkende Regering en Tradisionele Aangeleenthede hiermee die publiek uit om persone te nomineer wat oorweeg kan word vir aanstelling as 'n lid van die Kommissie oor Khoi-San Aangeleenthede.

Artikel 51 van die Wet maak voorsiening vir die instelling van die Kommissie oor Khoi-San Aangeleenthede (Kommissie). Die hoofdoel van hierdie Kommissie is om die regering by te staan met die erkenningsproses van Khoi-San gemeenskappe en leiers. Die Kommissie moet aansoeke vir erkenning van Khoi-San gemeenskappe en leiers ondersoek, en aanbevelings ten opsigte hiervan maak aan die nasionale Minister verantwoordelik vir tradisionele en Khoi-San leierskap.

Die Kommissie is met ingang van 1 September 2021 ingestel vir 'n tydperk van vyf jaar. Die Kommissie bestaan tans uit 'n voorsitter, 'n ondervoorsitter en twee ander lede. Ten einde die kapasiteit van die Kommissie te versterk, word dit beoog om een addisionele lid aan te stel. Hierdie lid sal op 'n voltydse basis dien vir die oorblywende termyn van die Kommissie, onderhewig aan 'n besluit van die Minister in hierdie verband.

Lede van die Kommissie moet Suid-Afrikaanse burgers wees en moet gesamentlik oor kennis en kundigheid beskik ten opsigte van aangeleenthede wat op die Khoi-San groeperings van toepassing is. Artikel 52(1)(b) van die Wet vereis verder dat die lede van die Kommissie kwalifikasies, ervaring in of kennis moet hê van—

- (a) antropologie;
- (b) die geskiedenis van die Khoi-San;
- (c) die gewoontereg en gebruike van die Khoi-San en instellings van Khoi-San leierskap; of
- (d) die reg.

Vlotheid in Afrikaans sal 'n addisionele voordeel wees.

Neem asseblief kennis dat nominasies die volgende moet insluit: —

- (a) 'n Voltooide nominasievorm. Hierdie vorm kan versoek word van RinaldiB@cogta.gov.za; TrishaR@cogta.gov.za; of Danie@cogta.gov.za of kan afgehaal word by Me Lorato Motlhala (Kantoor 211E), Pencardia 1, Pretoriusstraat 509, Arcadia, Pretoria.
- (b) 'n Volledige *Curriculum Vitae* van die genomineerde.
- (c) 'n Gedetailleerde aanduiding (tesame met gepaste bewyse) van hoe die genomineerde aan die vereistes van artikel 52(1)(b) van die Wet voldoen.
- (d) 'n Brief van aanvaarding onderteken deur die genomineerde. (Genomineerdes word aangeraai om, alvorens hulle 'n nominasie aanvaar, hulself te vergewis van die inhoud van die Wet, veral die bepalings wat betrekking het op die erkenning van Khoi-San gemeenskappe en leiers, asook die bepalings wat van toepassing is op die Kommissie).
- (e) 'n Duidelike aanduiding of die betrokke genomineerde self in aanmerking kan kom vir erkenning as 'n Khoi-San leier of 'n lid is van 'n gemeenskap wat moontlik aansoek kan doen vir erkenning as 'n Khoi-San gemeenskap. Neem asseblief kennis dat sodanige persoon nie 'n lid van die Kommissie kan wees nie.

Lede van die Kommissie word in eie reg aangestel en nie as verteenwoordigers van spesifieke Khoi-San groeperings, gemeenskappe, organisasies of lede nie.

Die sluitingsdatum en tyd vir die indiening van nominasies is Vrydag, 16 September 2022, om 12:00.

Alle nominasies moet deur die vereiste dokumentasie vergesel wees. Neem asseblief kennis dat onvolledige of laat nominasies nie oorweeg sal word nie.

Nominasies moet per e-pos gestuur word aan LoratoM@cogta.gov.za, of kan per hand afgelewer word by Me Lorato Motlhala (Kantoor 211E), Pencardia 1, Pretoriusstraat 509, Arcadia, Pretoria.

Sodra die aanstellingsproses afgehandel is, sal die naam van die lid in die *Staatukoerant* gepubliseer word.

DEPARTMENT OF TRANSPORT

NOTICE 1208 OF 2022

INTERNATIONAL AIR SERVICE ACT, (ACT NO.60 OF 1993)

GRANT /AMENDMENT OF INTERNATIONAL AIR SERVICE LICENSE

Pursuant to the provisions of section 24 (1(a) and (b) and 25 (5) of Act No.60 of 1993 and Regulation 16 (1) and 17 (1) of the International Air Regulations, 1994, it is hereby notified for general information that the applications, detail of which appear in the Schedules hereto, will be considered by the International Air Services Council (Council) representation in accordance with section 24(3) of the Act No. 60 of 1993 and regulation 25(2) of International Air Services Regulation, 1994, against or in favour of an application, should reach the Chairman of the International Air Services Council at Department of Transport, Private Bag X 193, Pretoria, 0001, within 21 days of the publication hereof. It must be stated whether the party or parties making such representation is / are prepared to be represented or represented at the possible hearing of the application.

APPENDIX 1 (Renewals)

(A) Fastjet Zimbabwe Limited. (B) P O Box AP160, Harare Airport. (C) Class I. (D) S1 and S2. (E) A1 - Embraer 145 - Reg: Z-FJF, Z-FJG, Z-FJH, and ZS-BBD. (F) Harare - O R Tambo International Airport (Johannesburg) - Harare / Victoria Falls Airport - O R Tambo International Airport (Johannesburg) - Victoria Falls Airport / Bulawayo - O R Tambo - Bulawayo / Victoria Falls - Kruger Mpumalanga - Victoria Falls / Harare - Durban - Harare / Victoria Falls - Cape Town - Victoria Falls / Harare - Cape Town - Harare. (G) and (H) Harare - O R Tambo (Johannesburg) - Harare (42 flights per week = 6 times per day) / Victoria Falls Airport - O R Tambo (Johannesburg) - Victoria Falls Airport (12 flights per week) / Bulawayo - O R Tambo - Bulawayo (07 flights per week) / Victoria Falls - Kruger Mpumalanga - Victoria Falls (10 flights per week) / Harare - Durban - Harare (03 flights per week) / Victoria Falls - Cape Town - Victoria Falls (04 flights per week) / Harare - Cape Town - Harare (03 flights per week). The principle for 2:1 will apply when using a smaller aircraft (50 seater and less).

(A) Zambia Airways (2014) Limited. (B) 34/947 Kenneth Kaunda International Airport. (C) Class I. (D) S1. (E) A1 Fleet: Q400-DHC8-402 - Reg: 9J-ZAW. (F) and (G) Lusaka - Johannesburg (O R Tambo) - Lusaka; Lusaka - Johannesburg (O R Tambo) - Livingstone - Lusaka; Lusaka - Livingstone - Johannesburg (O R Tambo) - Lusaka. (H) Fourteen (14) flights per week (Double daily operations).

(A) Uganda National Airlines Company Limited. (B) P O Box 431, Entebbe, Uganda. (C) Class I. (D) S1. (E) A1 - Bombardier CRJ 900 - Reg: 5X-KOB, 5X-KNP, 5X-EQU, 5X-KDP and A330-841 - Reg: 5X-NIL, 5X-CRN. (F) and (G) Entebbe - O R Tambo (Johannesburg) - Entebbe. (H) Five (05) return flights per week.

(A) Qantas Airways Limited (Qantas). (B) 10 Bourke Road, Mascot NSW 2020, Australia. (C) Class 1. (D) S1. (E) A1 - **A330-200** - Reg: VH-EBA, VH-EBB, VH-EBC, VH-EBD, VH-EBE, VH-EBF, VH-EBG, VH-EBJ, VH-EBK, VH-EBL, VH-EBM, VH-EBN, VH-EBO, VH-EBP, VH-EBQ, VH-EBR, VH-EBS, VH-EBV. **A330-300** - Reg: VH-QPA, VH-QPB, VH-QPC, VH-QPD, VH-QPE, VH-QPF, VH-QPG, VH-QPH, VH-QPI, VH-QPJ. **B787-9**: Reg: VH-ZNA, VH-ZNB, VH-ZNC, VH-ZND, VH-ZNE, VH-ZNF, VH-ZNG, VH-ZNH, VH-ZNI, VH-ZNJ, VH-ZNK. (F) and (G) Sydney - Johannesburg/O R Tambo - Sydney; Perth - Johannesburg/O R Tambo - Perth. (H) 7 Flights per week.

PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS

PROCLAMATION 82 OF 2022**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996); REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Lepelle Northern Water Board and Amatola Water Board (hereinafter referred to as "the Water Boards");

AND WHEREAS the State or the Water Boards may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the Water Boards, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

- (a) serious maladministration in connection with the affairs of the Water Boards;
- (b) improper or unlawful conduct by—
 - (i) Board members, officials or employees of the Water Boards; and

- (ii) officials or employees of the Ministry of Human Settlements, Water and Sanitation;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the Water Boards; or
- (g) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 August 2019 and the date of publication of this Proclamation or which took place prior to 1 August 2019 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the State or the Water Boards, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at JOHANNESBURG this^{11th}..... day ofJULY.....Two thousand and twenty-two.

President



By Order of the President-in-Cabinet:

Minister of the Cabinet



SCHEDULE

1. The procurement of, or contracting for, drought relief services and technologies by or on behalf of the Water Boards and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Water Boards;
 - (c) facilitated through the unlawful, irregular or improper conduct of—
 - (i) Board members, employees or officials of the Water Boards; or
 - (ii) officials or employees of the Ministry of Human Settlements, Water and Sanitation;
 - (d) conducted or facilitated through the manipulation of the Water Boards' supply chain management processes by suppliers, service providers or any other person in collusion with, or through the intervention of—
 - (i) Board members, employees or officials of the Water Boards; or
 - (ii) officials or employees of the Ministry of Human Settlements, Water and Sanitation,to corruptly or unduly benefit themselves or others; or
 - (e) fraudulent,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Water Boards or the State as result thereof.

2. Any unlawful or improper conduct by—

- (a) the suppliers or service providers in question or their employees;
- (b) Board members, employees or officials of the Water Boards;
- (c) officials or employees of the Ministry of Human Settlements, Water and Sanitation; or
- (d) any other person,

in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 82 VAN 2022**van die****PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van Lepelle Noordelike Waterraad en Amatola Waterraad (hierna na verwys as "die Waterrade");

EN AANGESIEN die Staat of die Waterrade verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Waterrade, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

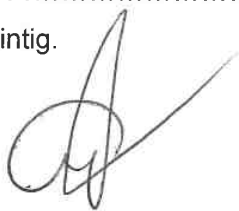
- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Waterrade;
- (b) onbehoorlike of onregmatige optrede deur—
 - (i) Raadslede, beampptes of werknemers van die Waterrade; en

- (ii) beamptes of werknemers van die Ministerie van Menslike Nedersettings, Water en Sanitasie;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die Waterrade; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

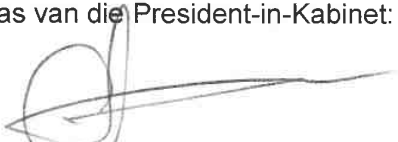
wat plaasgevind het tussen 1 Augustus 2019 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Augustus 2019 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Staat of die Waterrade gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te JOHANNESBURG
op hede die 11^e dag van JULIE Twee
duisend-twee-en-twintig.

President



Op las van die President-in-Kabinet:



Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir, droogtehulpmaatreël dienste en tegnologie deur of namens die Waterrade en betalings wat ten opsigte daarvan gemaak op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie;
 - (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendbriewe of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van of wat op die Waterrade van toepassing;
 - (c) gefasiliteer was deur die onregmatige, onreëlmatige of onbehoorlike optrede van—
 - (i) Raadslede, beamptes of werknemers van die Waterrade; of
 - (ii) beamptes of werknemers van die Ministerie van Menslike Nedersettings, Water en Sanitasie;
 - (d) uitgevoer of gefasiliteer was deur die manipulerings van die Waterrade se voorsieningskanaal-bestuurprosesse deur verskaffers, diensverskaffers of enige ander persoon in samespanning met, of deur die inmenging van—
 - (i) Raadslede, beamptes of werknemers van die Waterrade; of
 - (ii) beamptes of werknemers van die Ministerie van Menslike Nedersettings, Water en Sanitasie,om hulself of ander op korrupte wyse of onbehoorlik te bevoordeel; of
 - (e) bedrieglik was,
- en enige ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die Waterrade of die Staat aangegaan is as gevolg daarvan.

2. Enige onwettige of onbehoorlike optrede deur—

- (a) die betrokke verskaffers, diensverskaffers of hul werknemers;
 - (b) Raadslede, beamptes of werknemers van die Waterrade;
 - (c) beamptes of werknemers van die Ministerie van Menslike Nedersettings, Water en Sanitasie; of
 - (d) enige ander persoon,
- ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

CONTINUES ON PAGE 130 OF BOOK 2

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BOARD NOTICES • RAADSKENNISGEWINGS

BOARD NOTICE 314 OF 2022**THE SOUTH AFRICAN PHARMACY COUNCIL****PHARMACISTS PROVIDING FAMILY PLANNING SERVICES
(REPRODUCTIVE HEALTH SERVICES)**

The South African Pharmacy Council hereby publishes for **implementation**, the scope of practice for Pharmacists Providing Family Planning Services (Reproductive Health Services), the competency standards of such pharmacists and the criteria for the approval of a curriculum of a Family Planning Services (Reproductive Health Services) course.

SCHEDULE:

Part 1: Scope of practice for a pharmacist who provides family planning services (reproductive health services).

Part 2: Competency standards for a pharmacist who provides family planning services (reproductive health services).

Part 3: Criteria for the accreditation of family planning (reproductive health services) learning programmes.

In this notice "the Act" shall mean the Pharmacy Act, 53 of 1974 (as amended), and any expression to which a meaning has been assigned in the Act shall bear such meaning.



**VM TLALA
REGISTRAR**

Address: 591 Belvedere Street, Arcadia, Pretoria, 0083, Private Bag X40040, Arcadia, 0007. Telephone: 0861 7272 00. www.sapc.za.org

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PART 1: SCOPE OF PRACTICE FOR A PHARMACIST WHO PROVIDES FAMILY PLANNING SERVICES (REPRODUCTIVE HEALTH SERVICES)

In addition to the acts and services which form part of the scope of practice of a pharmacist as prescribed in terms of Regulations 3 and 4 of the *Regulations relating to the practice of Pharmacy* (GNR 1158, published on 20 November 2000), a pharmacist who has completed supplementary training on family planning (reproductive health) and has obtained a permit in terms of Section 22A(15) of the Medicines and Related Substances Act, 101 of 1975, may be allowed to prescribe and administer medicines for family planning (reproductive health) and perform consultations with patients at a pharmacy or in an approved setting, which includes the following:

- (a) comprehensive patient history taking;
- (b) physical examination (excluding breast examination, internal and external genitourinary examination);
- (c) decision on safe and appropriate family planning options;
- (d) prescribing and administration of appropriate medicines, therapy and/or other interventions for contraception and emergency post-coital contraception, in line with the Primary Health Care (PHC) Standard Treatment Guidelines (STG) and Essential Medicine List (EML) published by the Department of Health from time to time;
- (e) measurement and reporting of the outcomes of the medicine, therapy and/or other intervention selected;
- (f) providing supportive care for management of adverse events and side effects; and reporting thereof;
- (g) referral to another health care provider where necessary; and
- (h) record-keeping and maintaining confidentiality.

PART 2: COMPETENCY STANDARDS FOR PHARMACISTS WHO PROVIDES FAMILY PLANNING SERVICES (REPRODUCTIVE HEALTH SERVICES)

ACRONYMS

DoH	Department of Health
EPC	Emergency post-coital contraception
EML	Essential Medicines List
HIV	Human Immunodeficiency Virus
PHC	Primary Health Care
SAPC	South African Pharmacy Council
STG	Standard Treatment Guidelines
STI	Sexually Transmitted Infection

DEFINITIONS

Behavioural statement: Is a statement that describes the activity or outcomes prescribers should be able to demonstrate.

Competency: A quality or characteristic of a person related to effective or superior performance. Competency consists of aspects such as attitudes, motives, traits, and skills.

Domain: Represents an organised cluster of competencies within a framework and the domains, with associated competencies.

.

1. INTRODUCTION

The South African Pharmacy Council is committed to its mandate to ensure that pharmacists have the necessary knowledge and skills to deliver the best possible pharmaceutical services to the people of South Africa. Pharmacists are involved in ensuring the safe supply and of appropriate medicines, therapy and or other interventions for sexual and reproductive health, in line with the Primary Health Care (PHC) Standard Treatment Guidelines (STG) and the Essential Medicine List (EML) published by the National Department of Health (DoH) from time to time.

In recent years, competency mapping has been identified as a way of ensuring that pharmacy professionals are equipped with the specific skills, knowledge, abilities, and behaviours that are needed to work effectively.

2. BACKGROUND

Pharmacists have a professional and social responsibility to educate the public on sexual and reproductive health matters and contribute to efforts aimed at the improvement of fertility and prevention of unplanned pregnancies by improving access to family planning services. Pharmacists are well placed and accessible to provide advice on contraception, fertility, pregnancy, and menopause and prescribe medicines for contraception. The pharmacy is a stigma-free environment that is frequented by the public for other goods and services, thus making it easy for individuals to seek confidential and professional assistance from the pharmacist on matters such as termination of pregnancy services and sexual and gender-based violence. Pharmacists are ideally positioned to assist in addressing these needs. It is recommended that the following package of services be available to all individuals requesting access to family planning services:

- (a) Reproductive Health Counselling
- (b) Hormonal and non-hormonal contraception
- (c) Condoms and lubricants
- (d) Fertility screening and referral
- (e) Pregnancy screening
- (f) Emergency post-coital contraception (EPC)

3. DEVELOPMENT OF COMPETENCY STANDARDS FOR PHARMACIST PROVIDING FAMILY PLANNING SERVICES

The following documents form the basis for the development of competency standards for family planning services provided by a pharmacist:

- The scope of practice of a Pharmacist.
- The competency standards for pharmacists.
- The minimum standard for family planning services provided by pharmacists.

These competency standards were developed to supplement the competency standards for pharmacists at an advanced level of practice pertaining to family planning services.

4. SUMMARY OF COMPETENCY STANDARDS FOR A PHARMACIST PROVIDING FAMILY PLANNING SERVICES

DOMAIN	COMPETENCY STANDARD
1. Public Health	1.1 Professional and health advocacy 1.2 Promotion of health and wellness 1.3 Medicine and medical devices information
2. Safe and rational use of medicines and medical devices	2.1 Patient consultation 2.2 Medicine and medical device safety 2.3 Pharmacist Initiated Therapy 2.4 Pharmacovigilance
3. Supply of medicines and medical devices	3.1 Medicine prescribing 3.2 General housekeeping and administrative tasks
4. Organisational and management skills	4.1 Quality assurance 4.2 Record keeping
5. Professional and personal practice	5.1 Professional practice 5.2 Ethical and legal practice 5.3 Continuing professional development 5.4 Collaborative practice

DOMAIN 1: PUBLIC HEALTH

INTRODUCTION

Domain 1 covers public health and includes competencies that are required in both the public and private healthcare sectors to promote family planning through the provision of healthcare information and education to the public and other members of the healthcare team.

The public health domain competencies are:

- 1.1 Professional and health advocacy
- 1.2 Promotion of health and wellness
- 1.3 Medicine and medical devices information

DOMAIN 1: PUBLIC HEALTH	
COMPETENCIES	BEHAVIOURAL STATEMENTS
1.1 Professional and health advocacy	1.1.1 Contribute to the development and review of policies related to family planning.
	1.1.2 Act as a patient advocate to ensure that family planning (reproductive health) services are optimised.
	1.1.3 Play an advisory role in family planning campaigns.
1.2 Promotion of health and wellness	1.2.1 Advise on reproductive health matters and the prevention of unplanned pregnancies, Sexually Transmitted Illnesses (STIs), HIV and Hepatitis, and promote healthy lifestyles.
	1.2.2 Contribute to the development and implementation of family planning services.
1.3 Medicine and medical device information	1.3.1 Present patient with pharmaceutical and non-pharmaceutical family planning options.
	1.3.2 Provide adequate opportunities to access reproductive health services and advocate for and promote the provision of health information and other related promotional materials.
	1.3.3 Provide information to the patient about their medicines.
	1.3.4 Ensure that the patient is informed about what to do if there are any concerns regarding the use of contraceptives and/or their reproductive health.
	1.3.5 Encourage and support patients to take responsibility for their medicines and self-manage their reproductive health.

DOMAIN 2: SAFE AND RATIONAL USE OF MEDICINES AND MEDICAL DEVICES**INTRODUCTION**

Domain 2 covers competencies that are required to ensure the safe and rational use of medicines and medical devices. In this domain, effective verbal and non-verbal methods of communication with patients are essential competencies to ensure that patients make informed choices on family planning methods suitable for them.

The competencies required in the domain for the safe and rational use of medicines and medical devices for family planning are:

- 2.1 Patient consultation
- 2.2 Medicine and medical device safety
- 2.3 Pharmacist Initiated Therapy
- 2.4 Pharmacovigilance

DOMAIN 2: SAFE AND RATIONAL USE OF MEDICINES AND MEDICAL DEVICES	
COMPETENCIES	BEHAVIOURAL STATEMENTS
2.1 Patient consultation	2.1.1 Explain and obtain informed consent from the patient.
	2.1.2 Take an appropriate medical, social and medication use history including allergies and intolerances.
	2.1.3 Encourage the patients to notify their partners if they had engaged in risky sexual behaviour, or they have been diagnosed with a sexually transmitted disease or are pregnant (or any other applicable reason for notification).
	2.1.4 Conduct an appropriate reproductive health consultation.
	2.1.5 Interpret all available and relevant patient records to date, for effective patient reproductive health management.
	2.1.6 Provide advice in case of actual/potential medicine, therapy and/or intervention failure.
	2.1.7 Discuss the need for proper storage of contraceptives, condoms, and lubricants with the patient.
	2.1.8 Provide information on contraceptives and condom storage, and utilisation.
	2.1.9 Provide information on how to determine condom safety and how to appropriately dispose-off used condom(s).
	2.1.10 Discuss the need for dual protection against STIs and HIV, and the prevention of unplanned pregnancies.
	2.1.11 Provide information on the different contraceptive medicines, therapies and/or other interventions.
	2.1.12 Conduct health outcomes measurement and reporting.
2.2 Medicine and medical device safety	2.2.1 Store medicines and medical devices appropriately.
2.3 Pharmacist-initiated therapy	2.3.1 Provide fertility screening.

	2.3.2	Screen the patient for pregnancy and STIs and refer to the relevant health care professional if necessary.
	2.3.3	Screen the patient for any possible contraindications and/or other intolerances.
	2.3.4	Address any misconceptions pertaining to any aspect of reproductive health e.g., infertility, contraceptive failure.
	2.4.1	Understand the potential adverse effects and/or other intolerances and take steps to avoid/minimise, recognise and, manage them and refer where needed.
2.4 Pharmacovigilance	2.4.2	Report adverse effects where applicable.
	2.4.3	Advise patients on the actions to take in case of contraindications, adverse effects, and other intolerances.
	2.4.4	Offer adequate counselling regarding any contraindications, adverse effects, and other intolerances

DOMAIN 3: SUPPLY OF MEDICINES AND MEDICAL DEVICES**INTRODUCTION**

Domain 3 includes competencies required to address the supply of medicines to patients, the behavioural statement in this domain includes dispensing of contraceptives, and supply of condoms and lubricants.

The competencies required for the supply of medicines domain are:

- 3.1 Medicine prescribing
- 3.2 General housekeeping and administrative tasks

DOMAIN 3: SUPPLY OF MEDICINES AND MEDICAL DEVICES	
COMPETENCIES	BEHAVIOURAL STATEMENTS
3.1 Medicine prescribing	3.1.1 Prescribe medicines for contraception and EPC in line with the STG and EML approved list for pharmacists.
	3.1.2 Consider patient needs and diversity.
	3.1.3 Prescribe medicines for a patient who he or she has assessed and consulted with personally.
	3.1.4 Administer injectable contraceptives in line with PHC STG and EML, where applicable and within the approved scope of practice.
3.2 General housekeeping and administrative tasks	3.2.1 Take appropriate action in the event of body fluids spillage and/or contamination.
	3.2.2 Dispose of medical waste and other consumables and devices safely according to applicable protocols.
	3.2.3 Ensure proper safety protocols, sanitation, and hygiene.

DOMAIN 4: ORGANISATIONAL AND MANAGEMENT SKILLS**INTRODUCTION**

Domain 4 includes competencies required to ensure effective and efficient delivery of family planning services ensuring the quality of the provided services and proper record keeping.

The competencies required are:

- 4.1 Quality assurance
- 4.2 Record keeping

DOMAIN 4: ORGANISATIONAL AND MANAGEMENT SKILLS	
COMPETENCIES	BEHAVIOURAL STATEMENTS
4.1 Quality assurance	4.1.1 Ensure periodic review of work systems and SOPs.
	4.1.2 Develop processes that support rational prescribing practices.
	4.1.3 Record prescribing errors and critical incidents, and review practice to prevent a recurrence.
	4.1.4 Ensure regular analysis of applicable data.
4.2 Record keeping	4.2.1 Generate and maintain accurate, legible, and unambiguous records of patient care.
	4.2.2 Document and record adverse reactions where applicable.

DOMAIN 5: PROFESSIONAL AND PERSONAL PRACTICE**INTRODUCTION**

Domain 5 includes behavioural statements that focus on professional practice, code of conduct and adhering to legal requirements and ability to work collaboratively with other healthcare professionals.

The competencies required are:

- 5.1 Professional practice
- 5.2 Ethical and legal practice
- 5.3 Continuing professional development
- 5.4 Collaborative practice

DOMAIN 5: PROFESSIONAL AND PERSONAL PRACTICE	
COMPETENCIES	BEHAVIOURAL STATEMENTS
5.1 Professional practice	5.1.1 Practise in a pharmacy that has a private consultation room.
	5.1.2 Diagnose conditions and prescribe or administer hormonal contraceptive medicines according to the Primary Health Care (PHC) Standard Treatment Guidelines (STG) and Essential Medicines List (EML).
	5.1.3 Responsible for their own safe and efficient practice and are bound by Good Pharmacy Practice standards, ethical rules and the code of conduct.
	5.1.4 Behave with integrity and honesty, and do not engage in any behaviour or activity likely to bring the profession into disrepute and undermine public confidence in the profession.
	5.1.5 Act in the interest of patients and other members of the public and seek to provide the best possible family planning services for the community, in partnership with other health professionals.
5.2 Ethical and legal practice	5.2.1 Promote safe and efficient practice bound by Good Pharmacy Practice standards, ethical rules, and the code of conduct.
	5.2.2 Practice within legal and regulatory frameworks affecting prescribing and administration of medicines.
5.3 Continuing professional development	5.3.1 Keep abreast with clinical and professional developments.
	5.3.2 Keep abreast with evidence-based medicine and best practices in the provision and management of family planning services and related conditions.
5.4 Collaborative practice	5.4.1 Practise in collaboration with other health care professionals and refer patients to other members of a health care team when necessary.
	5.4.2 Collaborate with other healthcare professionals in the planning, development, and implementation of community sexual health campaigns.
	5.4.3 Establish peer review, support and mentoring arrangements to enable him/her an opportunity for reflection on prescribing, as well as other aspects of practice.

5. REFERENCES

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PART 3: CRITERIA FOR ACCREDITATION OF FAMILY PLANNING (REPRODUCTIVE HEALTH) LEARNING PROGRAMME

LIST OF ABBREVIATIONS

BBT	Basal Body Temperature
BPharm	Bachelor of Pharmacy
COCs	Combined Oral Contraceptives
EPC	Emergency Post-coital Contraception
GPP	Good Pharmacy Practice
LGBTQI	Lesbian, gay, bisexual, transgender, queer and intersex persons
NDOH	National Department of Health
POPs	Progestogen-Only Contraceptive Pills
SAPC	South African Pharmacy Council
STIs	Sexual Transmitted Infections

RATIONALE FOR TRAINING ON FAMILY PLANNING (REPRODUCTIVE HEALTH)

Pharmacists are accessible, as they are well placed within communities as the first point of contact with the health care system. Pharmacists are also well trained, offer cost-effective pharmaceutical services to the public, and hence play a pivotal role in the delivery of primary health care services.

Pharmacists can promote public health through the provision of Family Planning (Reproductive Health) services. The family planning (reproductive health) training will be designed to equip pharmacists with the theoretical knowledge and practical expertise that is necessary to provide family planning (reproductive health) services as intended in the relevant framework documents and policies of the National Department of Health (NDOH).

PURPOSE OF THE FAMILY PLANNING (REPRODUCTIVE HEALTH) TRAINING

The purpose of the supplementary training on family planning (reproductive health) is to equip pharmacists with the knowledge and expertise necessary to provide family planning (reproductive health) services. Training would provide pharmacists with an expanded scope of practice which will enable them to provide different family planning (reproductive health) services to the public. This would require pharmacists that provide family planning (reproductive health) services to have in-depth knowledge of reproductive health anatomy and physiology, be able to take a complete patient history, clinically evaluate relevant patient characteristics, have specialised knowledge of the various contraceptive methods,

conceptualise different family planning interventions for different patient needs, and to monitor the outcomes of such interventions. These services should be provided in compliance with the relevant legal and regulatory standards, and in collaboration with other healthcare professionals where interaction and referral is required.

TARGET GROUP FOR FAMILY PLANNING (REPRODUCTIVE HEALTH) TRAINING

Practicing Pharmacists as defined in the Regulations relating to Continuing Professional Development.

MINIMUM ENTRANCE CRITERIA TO THE FAMILY PLANNING TRAINING (REPRODUCTIVE HEALTH)

Pharmacists who wish to enrol for the training on family planning (reproductive health) must:

- be in possession of a Bachelor of Pharmacy (BPharm) degree, or recognised equivalent qualification; and
- be registered with the SAPC as a Pharmacist, with the designation as practising.

DURATION OF THE FAMILY PLANNING TRAINING (REPRODUCTIVE HEALTH)

The recommended duration of the training is a minimum of 180 notional hours.

FAMILY PLANNING (REPRODUCTIVE HEALTH) TRAINING RULES

To successfully complete the training on family planning (reproductive health), a learner must participate in, and complete all training activities and achieve all objectives. After successful completion of the training on family planning (reproductive health), a pharmacist must:

- Record their family planning (reproductive health) certificate with the SAPC by completing and submitting the application form for family planning (online or printable form available at: <http://www.pharmcouncil.co.za>) together with a certified copy of the pharmacist's ID, certified copies of the pharmacist's certificate(s) of successful completion of the training on family planning (reproductive health) and proof of payment of the SAPC registration fee (refer to SAPC application form)
- After receiving the recording certificate from the SAPC, apply for a Section 22(A)15 permit at the NDoH (the application form can be obtained by sending an e-mail to permits@health.gov.za),
- Upon receipt of the Section 22(A)15 permit from the NDoH, record the permit on family planning (reproductive health) at the SAPC (form available on the website of the SAPC (<http://www.pharmcouncil.co.za>)).

RECOGNITION OF PRIOR LEARNING

Recognition of prior learning is not applicable to the short course.

OUTCOMES AND THE ASSOCIATED ASSESSMENT CRITERIA

TOPICS	SPECIFIC OUTCOMES	ASSESSMENT CRITERIA	No. of hours
An introduction to NDoH Contraception Policies, Guidelines and Protocols	The learner should demonstrate knowledge of and be able to apply the current and relevant contraception policies, guidelines and protocols specific to population demographics and clients that need special consideration.	<ul style="list-style-type: none"> Define the basic principles of population demographics List and define basic indicators related to population demographics, clients requiring special consideration, and family planning (reproductive health) 	2 hours
The normal anatomy, physiology as well as pathophysiology of the human reproductive system	The learner should have in-depth knowledge of human reproductive physiology and be able to identify and prescribe relevant and common pathophysiological states and conditions.	<ul style="list-style-type: none"> Understand, explain, and describe male and female reproductive physiology Recognise, identify, explain, and describe the pathophysiology of common reproductive health conditions. Name and describe the signs and symptoms of said conditions. Differentiate between reproductive health conditions and normal variances in reproductive physiology in different age population groups. 	40 hours
History taking and patient interviewing	Learners should have the ability to collect relevant patient information and compile appropriate patient history.	<ul style="list-style-type: none"> Demonstrate effective communication skills. Demonstrate the correct use of a patient information and history form. Distinguish between relevant and irrelevant information. Ask appropriate questions which are necessary for the completion of a patient information and history form, including considering special populations and age groups. Compile a complete patient history of aspects related to family planning (reproductive health) services. Appropriately record and store patient information according to GPP. 	10 hours

TOPICS	SPECIFIC OUTCOMES	ASSESSMENT CRITERIA	No. of hours
Clinical examination	Learners should be able to perform physical examinations related to conditions of reproductive health (excluding physical breast and genitourinary examination) and be able to name, identify and describe the signs and symptoms of common STIs.	<ul style="list-style-type: none"> • Demonstrate relevant and necessary knowledge of human reproductive anatomy and physiology. • Identify and describe the processes of performing the relevant physical examinations. • Describe the procedures to be followed and the principles underlying the relevant tests/assessments. • Demonstrate knowledge of the relevant clinical conditions, including definitions, classification, etiopathology, signs and symptoms. • Correctly perform the relevant physical examinations. • Perform appropriate screening tests, e.g. ovulation testing and pregnancy screening. • Interpret the results of the relevant screening tests. • Know when to refer clients to other healthcare practitioners. 	20 hours
The pharmacological and basic principles of different family planning (reproductive health) options	The learner should be able to explain and describe the pharmacological and other mechanistic principles of the different family planning (reproductive health) options.	<ul style="list-style-type: none"> • Describe and characterise the contraceptive and sterilisation methods listed below based on: <ul style="list-style-type: none"> ○ product identification ○ mechanism of action ○ indicators of effectiveness ○ side- and adverse effects ○ non-contraceptive benefits ○ eligibility criteria, and ○ interventions to be made in case of intolerance, side- or adverse effects: <p>Male contraceptive methods</p> <ul style="list-style-type: none"> • Barrier methods • New contraceptive technology, where applicable <p>Female contraceptive methods</p> <ul style="list-style-type: none"> • Barrier methods • New contraceptive technology, where applicable • Natural methods, e.g. lactational amenorrhea method, basal body temperature method • Oral contraceptives, both progesterone alone and combination formulas • Injectable intramuscular contraceptives 	40 hours

TOPICS	SPECIFIC OUTCOMES	ASSESSMENT CRITERIA	No. of hours
		<ul style="list-style-type: none"> • Subdermal implants • IUD (copper bearing and levonorgestrel IUS) <p>Emergency post-coital contraception</p> <ul style="list-style-type: none"> • Emergency contraception <p>Sterilisation methods</p> <ul style="list-style-type: none"> • Tubal ligation • Ablation and other intrauterine techniques • Vasectomy • New sterilisation techniques, where applicable 	
Evaluation, interpretation, and decision making	Learners should be able to critically evaluate and interpret various scenarios related to reproductive health conditions and the need for family planning (reproductive health) and decide on an appropriate method or intervention.	<ul style="list-style-type: none"> • Based on the patient interview and clinical examination, determine, and select an appropriate family planning (reproductive health) method (within the framework provided in the NDOH), for specific individuals. • Identify relevant clinically significant drug-drug and drug-disease interactions and suggest alternative interventions where needed. • Demonstrate the necessary skills to advise clients on how to use hormonal and non-hormonal contraception • Know when to refer clients to other healthcare practitioners. 	15 hours
Administration of specific family planning (reproductive health) interventions	Learners should be able to safely administer specific family planning (reproductive health) options to patients, i.e. injectables and subdermal implants.	<ul style="list-style-type: none"> • Identify principles which should be adhered to in practice, to prevent any parenteral administration error related adverse event following administration. • Demonstrate the steps involved in the preparation the selected family planning (reproductive health) formulation, i.e. <ul style="list-style-type: none"> ○ Identify the correct route of administration and specific injection site. ○ Identify/choose/select the appropriate needle-, and syringe size for the selected formulation. ○ Check the expiry date of the formulation and all products used. ○ Prepare (reconstitute where applicable) the selected formulation as per the manufacturer's specifications. • Position the client in an enabling and comfortable position. • Demonstrate appropriate preparation of the injection site. • Demonstrate the ability to safely administer the different types of parenteral family planning (reproductive health) formulations as per the manufacturer's specifications. 	30 hours

TOPICS	SPECIFIC OUTCOMES	ASSESSMENT CRITERIA	No. of hours
		<ul style="list-style-type: none"> • Demonstrate how to safely discard needles, syringes, and other administration consumables into a sharps container and medical waste receptacle. • Differentiate between adverse events resulting from the parenteral formulation or its administration, and other non-associated coincidental events. • Describe potential underlying causes for each type of adverse event following administration and understand the link between the adverse event and its cause. • Distinguish between minor and severe (serious and non-serious) adverse event following administration. • Identify and describe local and systemic signs and symptoms of adverse event following administration and the appropriate management thereof. 	
Monitoring and evaluation of family planning (reproductive health) interventions	Learners should be able to adequately monitor and evaluate the outcomes of the selected family planning (reproductive health) options	<ul style="list-style-type: none"> • Develop a plan to monitor and evaluate therapeutic outcomes and make recommendations regarding potential amendments to the selected interventions, where necessary. • Identify and anticipate potential medicine- or other related problems and conceptualise strategies to prevent and solve problems that may arise. • Identify, describe and explain potentially severe adverse reactions, e.g. anaphylaxis • Provide supportive care for severe adverse reactions, e.g. anaphylaxis (Important: <i>Administration of injections can be done where immediate access to a nursing or medical practitioner is available. In the absence thereof, the pharmacist should have appropriate qualifications to handle anaphylactic shock and adverse events following administration</i>). • Analyse and evaluate any prior or current family planning (reproductive health) interventions for the following: medicine or other general efficacy, safety and rationale for use. • Monitor the outcomes and make recommendations regarding potential amendments to the intervention, where necessary. • Analyse and evaluate the relevant therapeutic progress reports and construct correct and concise recommendations in the form of a written report. 	15 hours

TOPICS	SPECIFIC OUTCOMES	ASSESSMENT CRITERIA	No. of hours
Providing patient information	The learner should be able to communicate with their patients regarding the different family planning (reproductive health) options, patient uncertainties and the need for safe-sex practices.	<ul style="list-style-type: none"> • Demonstrate a sensitive and non-judgmental consultation style • Apply effective and culturally sensitive communication skills in family planning (reproductive health) counselling • List the basic steps on counselling in reproductive health, focusing on family planning (reproductive health) counselling including clients requiring special considerations (e.g. adolescents, women approaching menopause, LGBTQI+, etc.) • Explain the importance of safe sex practices and the risks associated with irresponsible sexual practices. • Explain the importance of fertility awareness and annual gynaecological examination by a medical practitioner. • Communicate relevant information to the patient relating to the family planning (reproductive health) option prescribed/proposed, and other relevant topics, e.g. lifestyle modification. 	5 hours
Documentation and record keeping	Learners should be able to keep accurate record and draft appropriate documentation.	<ul style="list-style-type: none"> • Document and keep records of all aspects of the consultation session, including patient feedback regarding the information provided. • Draft appropriate referral letters and/or any other relevant documentation. • Develop appropriate informed consent forms and ensure proper documentation thereof. 	1 hour
Legal, professional, and ethical practice	Learners should be able to act in a legal, professional and ethical manner.	<ul style="list-style-type: none"> • Act in a professional and ethical manner when providing any of the family planning (reproductive health) services. • Characterise and describe the principles of reproductive rights and gender issues related to family planning (reproductive health) • Understand and apply the law relating to individual's choices regarding family planning (reproductive health) • Identify and critically reflect on factors around crisis pregnancy • Discuss and reflect on the medico-legal and ethical considerations specific to sexual health care and family planning (reproductive health) 	2 hours

CRITICAL CROSS-FIELD OUTCOMES

- (a) Identifying and solving problems in which the responses of pharmacists display that responsible decisions using critical and creative thinking, have been made.
- (b) Working effectively with others as a member of a team, group, organisation, community.
- (c) Organising and managing oneself and one's activities responsibly and effectively.
- (d) Collecting, analysing, organising and critically evaluating information.
- (e) Communicating effectively using visual, mathematical and/or language skills in the modes of oral and/or written persuasion.
- (f) Using science and technology effectively and critically, showing responsibility towards the environment and health of others.
- (g) Demonstrating an understanding of the world as a set of related systems by recognising that problem-solving contexts do not exist in isolation.
- (h) Contributing to the full personal development of each learner and the social and economic development of society at large, by making it the underlying intention of any programme of learning to make an individual aware of the importance of:
 - (i) reflecting on and exploring a variety of strategies to learn more effectively,
 - (ii) participating as responsible citizens in the life of local, national and global communities,
 - (iii) being culturally and aesthetically sensitive across a range of social contexts.

QUALIFICATIONS AND EXPERIENCE OF PRESENTERS/FACILITATORS

The presenters of the family planning course –

- (a) must have an undergraduate pharmacy qualification i.e., Bachelor of Pharmacy (BPharm) degree, or recognised equivalent, plus a relevant postgraduate qualification;
- (b) must be registered as a Practising Pharmacist with the SAPC;
- (c) must have a minimum of 5 years' experience as a Practising Pharmacist and a minimum of three years' experience in the field of study at a higher education training institution, and
- (d) may collaborate with a qualified clinician for practical training i.e., medical practitioner, professional nurse (registered with the relevant professional body) with a minimum of three years' practical experience in the practical skills training offered.

STANDARDS FOR PRESENTATION OF THE FAMILY PLANNING TRAINING (REPRODUCTIVE HEALTH)

The training on family planning (reproductive health) must be presented by a Higher Education Institution accredited by the South African Pharmacy Council to offer the short course.

MODE OF DELIVERY

The training on family planning (reproductive health) should be presented to practising pharmacists who are employed full-time or part-time. The interactive lessons of the training can be presented using an online platform that allow for flexible study hours. There should be face-to-face contact sessions for practical sessions. The Higher Education Institution must have a reliable electronic platform that makes provision for the sharing of study material and resources. This platform must have access control and at a minimum allow for the following:

- General announcements,
- Communication with students,

- Resources and training material (including study guides, PowerPoint® presentations, video's),
- Submission of work assignments;
- Online assessments;
- A comprehensive study guide. The study guide must guide the student through the learning process and should integrate all the topics which forms part of each module; and
- Additional textbooks and references, where possible and applicable.

ASSESSMENT OF THE FAMILY PLANNING (REPRODUCTIVE HEALTH) TRAINING

The methods of assessment for the course must include both formative and summative assessments, i.e. formative assessments in the form of work assignments and a formal summative assessment by means of an examination at the end of the course. The examination at the end of the theory part of the course must be in the form of a written/online examination. The summative assessment at the end of the practical session of the course must be in the form of a practical examination i.e., an objective structured clinical examination. Assessments should accurately reflect the number of hours allocated to each study topic. A learner should obtain an average of 70% across formative assessments to be able to write the summative assessment. The final mark for the summative assessment should also be 70% to pass the supplementary training on family planning (reproductive health).

PROCESS OF APPEAL

A process must be in place in cases where students disagree with the outcome of an assessment (written or practical). Appeals against assessment decisions on the demonstration of competence by candidates must be described in the study guide of the course.

PROCESS IN CASE OF DISHONESTY AND PLAGIARISM

Students must be warned against dishonesty and plagiarism. A procedure must be in place to address this kind of misconduct and in serious cases, it should be reported to the South African Pharmacy Council.

STANDARDS FOR ADMINISTRATION AND RECORD KEEPING

A student administration system must be available for maintaining and updating detailed information about each enrolled student. Information must include but not be limited to the following:

Student's full names and surname
Maiden name (if applicable)
Identification or passport number
Contact numbers (cell phone and landline)
E-mail address
Postal address
Qualifications

Past employment (indicating work experience in a clinical environment)

The system must include a functionality to generate a document that can be used as "Proof of Registration" for each enrolled student.

The student administration system must also allow for record keeping of the marks that each student has obtained in each of the assessments.

CERTIFICATION METHODS AND PROCEDURES

Procedures must be in place to ensure that certification of students is managed in a secure and safe manner. The security and accuracy of certificates during printing, filing and distribution must be assured. The following minimum information is required for certification of the family planning (reproductive health) modules/course:

- Provider name and/or logo
- Name of the module/course
- Student's full name (first names followed by surname)
- Student identification
- Date of issue of the certificate
- Signatories

FACILITIES AND EQUIPMENT

The physical facilities must be adequate to deliver the theoretical and practical components of the training. For the theoretical training, facilities must include an online teaching and learning platform. For the practical training, facilities must include a skills laboratory adequate in size to accommodate the number of learners trained per session. The venue must be suitable to be able to practice and demonstrate competence in the education and counselling of patient. The skills laboratory must also provide adequate storeroom facilities for keeping equipment and consumables and must include an area(s) for practice simulations and an area(s) where practical assessments can be conducted.

The equipment in the skills laboratory to deliver practical training must include adequate numbers of the following:

- Intramuscular medical device/medicine administration training pads
- Subcutaneous/subdermal medical device/medicine administration training pads
- Emergency tray
- Different needles and syringes suitable for family planning services;
- Alcohol swabs, cotton wool balls, gauze swabs, plasters
- Biohazardous materials and sharps disposal containers and medical waste receptacle
- Scale and height measure
- Condom trainer, female, and male condoms
- Pregnancy and ovulation tests
- Thermometer and an ovulation thermometer to measure basal body temperature (BBT)
- A diaphragm (optional)
- Examples of the different pill packs (COCs and POPs)
- Contraceptive patches (placebos if possible)
- Vaginal ring
- Examples of the two main types of IUDs (and a device to illustrate where an IUD is placed in the uterus)
- Example of the hormonal implant
- Urine collection containers
- Examples of injectable contraceptives
- Pamphlets and posters on family planning
- Examples of EPC
- Personal protective equipment, i.e. masks and gloves
- Chlorine or alcohol-based disinfectant for cleaning vaccine spills

APPENDIX A- MEDICINE LIST

All pharmaceutical products available for contraceptive purposes as provided by the National Department of Health.

Note: Consult with the Department of Health Standard Treatment Guidelines and Essential Medicines List for the latest updates